

1502. Also, petition of Veterans of Foreign Wars of the United States, petitioning consideration of their resolution with reference to veteran representation on civic committees; to the Committee on Rules.

SENATE

TUESDAY, JANUARY 29, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

Eternal God whose glory the heavens and the earth declare and whose garments vast and white we touch in all truth, all beauty, all goodness, we are grateful that Thou dost bend so close to our frail mortality that at the altar of prayer spirit with spirit may meet. Though our faces are shadowed by earth's tragedy, we lift them in faith to the Light that no darkness can put out. Praying for grace to make us worthy of so momentous a time, our intercession rises for our Nation, its President, the Congress, and all who influence its policies, and for the whole body of the people, that the fearful sacrifices of our costly war may not end in disillusionment of mankind's hopes and the despair of our children after us. We ask it in the dear Redeemer's name. Amen.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

CALL OF THE ROLL

Mr. RUSSELL. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Alken	Gurney	Murray
Austin	Hart	Myers
Bailey	Hatch	O'Daniel
Bankhead	Hawkes	Pepper
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Bridges	Hill	Robertson
Briggs	Hoey	Russell
Buck	Huffman	Saltonstall
Bushfield	Johnson, Colo.	Shipstead
Byrd	Johnston, S. C.	Smith
Capehart	Kilgore	Stanfill
Capper	La Follette	Stewart
Chavez	Langer	Taft
Cordon	Lucas	Thomas, Okla.
Donnell	McCarran	Thomas, Utah
Downey	McClellan	Tobey
Eastland	McFarland	Tydings
Ellender	McKellar	Walsh
Ferguson	McMahon	Wheeler
Fulbright	Magnuson	Wherry
George	Maybank	White
Gerry	Mead	Wiley
Gossett	Millikin	Willis
Green	Morse	Wilson
Guffey	Murdoch	Young

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada

[Mr. CARVILLE], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Idaho [Mr. TAYLOR] are necessarily absent.

The Senator from Washington [Mr. MITCHELL] is absent on official business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Delaware [Mr. TUNNELL] is absent on official business as a member of the Mead committee.

Mr. WHERRY. The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations, now being held in London.

The Senator from Minnesota [Mr. BALL] is absent because of illness.

The Senator from Maine [Mr. BREWSTER], the Senator from Illinois [Mr. BROOKS], the Senator from Nebraska [Mr. BUTLER], the Senator from Oklahoma [Mr. MOORE], and the Senator from West Virginia [Mr. REVERCOMB] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent on official business as a member of the Mead committee.

The PRESIDENT pro tempore. Seventy-eight Senators having answered to their names, a quorum is present.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The Senate resumed the consideration of Mr. HOEY's motion to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. GEORGE. Mr. President, I have been constantly at work in the hearings of the Pearl Harbor Committee and have not been able to attend the sessions of the Senate except for a little while between 12 and 2 o'clock. Other duties have contributed to make it impossible for me to give the attention I should like to the bill which was made the unfinished business and to subsequent matters which have been injected in the debate. I regret that I have not been able to hear all that has been said on the important general issue before the Senate and the country, but I wish to speak briefly today on the merits, or what I consider to be the merits, of the bill before the Senate in the form of unfinished business, and also, incidentally, upon the right of free and unlimited debate still existing in the world in no other legislative body than the Senate of the United States.

What I shall say I beg Senators to believe represents my honest judgment and my profound conviction. I am very far from thinking that when the Members of the present Senate and House of Representatives who may have been committed to a particular vote upon this issue shall have passed off the scene or shall have entered upon another term of office, legislation of this kind will finally become fastened upon the American people. I believe directly the contrary. I do not believe the American people, on sober second thought, will endorse the proposals contained in the pending bill,

S. 101. That I say without any reflection upon those who have sponsored the bill, because I realize that there are many very honorable, able, and good people in and out of public office in the United States who believe that this bill is right, and they have been in good faith in proposing it and in urging it. Of course, there are others who, I think, have acted for quite different reasons. But that is always true with respect to any legislative proposal of real importance.

The United States Government has the right to employ whom it will in the public service. The employment should be according to ability and fitness and without regard to religious or racial affiliations or connections. To make employment depend on religious or racial discriminations or tests is, of course, wrong. Those classes of people who are not fitted for the more responsible jobs it would seem should be given a chance for jobs for which they are fitted, and a sincere effort should be made to allow all classes a part in the public service. That I understand already to be the law of the land.

When the Government lets contracts for public works to independent contractors, the United States Government has, I think, power to prescribe any reasonable condition which it may see fit with respect to the persons to be employed in doing the work. It is, of course, most unwise to give to persons who are not qualified a job upon public works, but it is especially harmful to our general economy to exclude persons who are qualified in order to make a place for others who are not competent to do the job. It is clear that this course increases the cost of government—a matter which should concern the political party represented on this side of the aisle, which through a long and glorious period of our history boasted of its ability to administer the government economically.

When the Government of the United States, through its Congress, attempts to tell private business, as distinguished from contractors for public works, who shall be employed and who shall not be employed, it steps entirely outside its constitutional power. When the Congress of the United States attempts to dictate to the individual citizen whom he shall employ it is guilty of odious intermeddling, and moreover assumes the role of tyranny. In the last analysis it relies on mere physical and economic power to accomplish its purposes. It therefore becomes tyrannical as against the individual citizen who asserts his right to choose or select the persons with whom he wishes to work and with whom he wishes to associate.

The bill now before the Senate raises a fundamental question or issue of government, not in its narrow or technical or legalistic sense, but in its broad historical sense. This bill, and the philosophy upon which it is grounded, is opposed to the theory of government which found its high purpose and expression in the Bill of Rights and in the fourteenth amendment—the very basis invoked by those who have brought forward this legislation.

In express terms the first 10 amendments sought to impose the prohibition

on the States against interference with religion, life, liberty, or property. Indeed, the Bill of Rights was technically unnecessary as a part of the Constitution. Nevertheless, Jefferson and many others who were influential in building our system of government believed it unwise to leave anything to construction or interpretation, and insisted upon a prohibition against the exercise of any powers by the Federal Government over freedom of speech, religion, or other immunities or rights of the citizen. Subsequent events in aftertimes have demonstrated over and over again the wisdom of Jefferson and all his conferees in that period of our history.

The heart of the Bill of Rights is reaffirmation and reassertion of the rights of freemen superior to the power of any government and of all government, either local or general. In the States where individuals may still reach their representatives and make themselves heard—and freedom depends upon local self-government, government administered by local officials responsive to local public opinion—in the States where the citizen can still assert and maintain his right there is no danger that government will undertake to destroy these immemorial rights of freemen. Those who insisted upon the first 10 amendments to our Constitution were endeavoring to make it plain to all future generations that certain rights of free men were above and beyond the control of the national or general government, as they had always maintained them against the encroachment of the State legislatures.

Therefore if this bill raises a fundamental issue of government, not in its legalistic, but in its historical and broad and philosophical sense, are not Members of the Senate, the remaining legislative body in which debate is still free and unlimited, justified in opposing it? If we are to impose any limitation upon debate, how short shall we cut the debate upon any issue, however fundamental and however basic? Who shall put limits on freedom of debate in this body if freedom of debate is to remain anywhere in America?

So, Mr. President, those who believe that an end favored by them may properly be reached by any means at hand at any time always have opposed and always will oppose free speech and unlimited debate. Those who think the filibuster—that is to say, unlimited debate upon a fundamental issue—should be outlawed are merely expressing their wholehearted approval of the proposal, whatever its nature or character. In other words, they are for cloture when they wish to put over something which ought not to be enacted. They are against cloture if they sincerely believe the proposal to be contrary to the fundamental thesis upon which our whole political life is founded.

Mr. President, there is but one sensible limitation that can be placed upon debate in this body if we wish to hold to freedom of speech and unlimited debate. That is in the rule which we know as our cloture rule. It is perfectly obvious that those who love freedom of speech and

unlimited debate will not place a limitation upon themselves if they regard the issue as fundamental and vital. That is precisely the case in connection with the question now presented to the Senate.

Throughout our history prohibitions have been imposed upon governments, State and local. Thomas Jefferson, the founder of our party, asserted over and over again that progress toward true democracy did not consist in granting more power to government, but in vesting more power in the people.

Here the proposal is that compulsion should be and must be used by the state on the individual citizen to compel him to restrict his power to select his own employees and, therefore, his own business associates. Men who have deep and abiding convictions will not hesitate to assert the right of unlimited and even prolonged debate upon an issue of this character. Such men at least know that the philosophy which is embodied in the present proposal is the philosophy of totalitarian government, pure and simple, in its most extreme form and expression. Such men, at least, know that if it is the proper function of the state to compel its citizens to follow certain principles as to race, creed, color, or national origin in deciding whom they shall employ and with whom they shall associate in their daily affairs, or whom they shall admit to union membership, the state can at any future date compel its citizens to adopt other and directly contrary principles. If the state can compel nondiscrimination in the selection of one's workers, with whom he himself may associate, it can compel outright discrimination. The latest example is Nazi Germany. It is not the only example. If the state has such power over its citizens in controlling human social and religious relationships, then the American system of government is running Nazi Germany a very close second.

Certainly those who founded our Government knew what had happened in the field of religion and science as a result of unwise and futile attempts to compel adherence to what the state considered desirable principles. They resolved that our Government should not assume such powers, no matter how desirable the objective might seem to the reformers of a given era or period.

The bill now under discussion before the Senate proposes a full swing-around from the basic principles upon which the American system of government rests. Moreover, those who founded this Government did not believe in absolutism. They rejected the doctrine wherever it presented itself. Certainly they did not accept the sophistry that if the state, the local government, is lacking in a certain power to obtain a given objective, the power must necessarily have been delegated to the National Government.

Such persons—that is, those who accept this doctrine—have failed to take note that some fundamental powers were retained by the people. They were neither reserved to the States nor granted to the Federal or general Government, or to any government, but they were retained by the people themselves.

The so-called fair employment practice bill is the latest effort to control

human and social relationships, not by the influence of religion or education, but by political compulsion. If experience is worth anything, it demonstrates over and over again that every attempt to change customs, attitudes, and even prejudices, by law—particularly harsh criminal law—creates more difficulties and produces more violence than the so-called evil which the reformers seek to cure. If human experience is worth anything, this legislation, if finally approved, will break down in administration, and will thereby weaken the confidence of the citizen in the strength and justice and power of his Government. If written into law, this bill will become one more example of the futility of Government in its effort to control personal attitudes, personal decisions, and even prejudices, by human law. But it will be a costly noble experiment. It will take many millions of the taxpayers' dollars to demonstrate what ought to be obvious to all thoughtful men and women, and moreover it will furnish one more weapon to all the left-wing groups of the country to confuse and destroy the power of the American citizen successfully to manage and control his own private business affairs. The legal enforcement of a moral rule which is not generally acceptable, Mr. President, is a tyrannical abuse of political power, for the reasons already indicated. The enforcement of moral law and of religious precepts is not within the power granted to human government. It may be desirable to prevent discrimination against any person because of race, creed, color, national origin, or ancestry. It is, nevertheless, impossible to draw any legal line between an injustice resulting from human prejudice and the exercise of a fundamental freedom possessed by the citizen under our system of government to choose his own coworkers and associates.

It must not be forgotten that employers of small numbers of workers either work directly with or are very closely associated with their workers. The effort to punish by law what well-meaning persons call discrimination will undoubtedly interfere with the creation of competent, efficient business organizations. This is true, whether the business be that of farming, lumbering, or manufacturing. Undoubtedly it will provide an excuse also for every incompetent and unruly employee to bring a lawsuit if discharged or if not advanced according to his own estimate of his own abilities as rapidly as he desires. Furthermore, all persons who have never been employed or invited to become employed to work in a given job will have the right to claim that they were, in fact, unlawfully denied employment on account of their race, their creed, their color, or their national origin. Under this bill, if an employer wishes to hire anyone, from an office boy to general manager, he will act at his peril in rejecting the application of a man who is willing to claim that he was discriminated against because of race, color, creed, or ancestry. I take it that every lawyer and certainly every businessman of any experience knows that a business may be destroyed, not only as a result of litigation but by virtue of the actual pendency of litigation. Law-

suits oft repeated can be just as effective a means of destroying any business as the actual judgment of a court. If the bill becomes law, an employer also will act at his peril if he wishes to hire anyone, from a water boy on a farm where five other men and women, or both, are employed up to the foreman or superintendent. The water boy belongs to some race. He may not have any creed. But the farmer will act at his peril in not offering him a job or in not advancing him as rapidly as the boy thinks he should be advanced, if he wishes to go into court and claim that the alleged discrimination has been on account of race, color, creed, ancestry, and so forth.

It is passing strange that the promoters of this bill do not outlaw discrimination because of sex or because of age. Certainly a person should not be deprived of a job because of being a woman or of being young or even of being somewhat advanced in age. I regret that the distinguished Senator from New Jersey is not now present because I am rapidly approaching his class, which might properly be described as the modern Osler class.

Mr. SMITH. Mr. President, if the Senator from Georgia will yield, let me say that the Senator from New Jersey is present and is deeply impressed with the argument the Senator from Georgia has made, and hopes to have the privilege of asking one or two questions.

Mr. GEORGE. Did I say "New Jersey"? I meant the Senator from Connecticut because our distinguished friend the Senator from Connecticut [Mr. HART] had something to say about men of advanced age.

Mr. President, if there is to be any limitation upon the right of a free citizen or of a free business to exercise the power of selection and choice when it comes to choosing his or its own workers, certainly women should be brought within the protection of the proposed law. Even if the American citizen who has a job to offer to a willing worker can select his workers without the danger and hardship of a lawsuit, he must discharge every unruly worker at his peril. It is impossible to visualize the difficulty of building up and maintaining a good business organization with the constant threat of a lawsuit hanging over management from sunup to sundown—lawsuits if he makes the wrong selection in the first instance or the right selection of his workers but for a wrong reason, and lawsuits if he does not advance the workers in his employ, and still more lawsuits if he should discharge any worker, whatever might be his incapacity, because it would always be possible for the worker to assert that the manager had been controlled by prejudice on account of the race, color, creed, or ancestry of the worker.

It is unthinkable that the Congress would impose this law upon employers of six or more workers. It is now understood that according to the decisions of the Supreme Court, every business is an interstate business or at least its activities affect the flow of interstate commerce. There are, of course, some minor exceptions, but they are very minor. Every large business must engage con-

tinuously in the hiring and in the changing of its employees.

There will be a sufficient number of dissatisfied employees, once this bill is passed, to increase the Federal pay roll ad infinitum. We may assume that some of the labor organizations will prosecute vigorously and diligently all complaints made by employees even by those who do not feel that they have been fully considered for employment. The so-called Fair Employment Practice Act will provide the most adverse influence on private enterprise which has yet been devised.

It is not necessary to assert that this legislative proposal originated in the fertile brain of a Communist, and that I do not do. It would be a reflection, however, upon the ability and capacity of the Communist to suggest that he had nothing to do with originating it. It is certain that Communists everywhere are vigorously supporting this bill, although there are many good persons who are being misled by their sympathies for those who have been subjected to what they regard as unfair discrimination.

The supporters of this measure are losing sight of the affirmative right of the freeman to make his own choice with respect to his business associates and his workers, so long as the exercise of that choice does no harm to the general economy of the country.

Mr. RUSSELL. Mr. President, before my distinguished colleague leaves the point to which he is addressing himself, I may say that, while he may have covered the matter in general terms, he has made reference to employment. I am sure that he realizes that this bill does not confine the question strictly to initial employment. It follows the employer and his employees throughout all the relations of employment. It applies to any promotion which may be made within the employment, bringing it down to the most intimate details of a man's business. It would have the effect of denying an employer the right to say anything about the management of his own business.

Mr. GEORGE. My colleague is entirely correct in the statement which he has made. In a general way I believe I have asserted the same viewpoint, and I thought I would refer to it a little later.

Mr. President, I was about to say that the word "creed" covers any form of belief, whether religious, political, or social. A fellow traveler will assuredly be able to find somewhere in his race, in his color, in his creed, or in his national origin, a point upon which he can base a complaint of illegal discrimination in respect to his original employment, his successive promotions or failure to receive promotions, or in his final separation from his employer's business.

As a matter of fact, Mr. President, without regard to race, creed, color, or national origin, does not a free employer have the right to select persons who will do a good job for him? I put the question fairly. Does not a freeman have the right to select those with whom he will work daily in his own business, and with whom he will associate daily, and upon any ground which he may wish to base

the selection, so far as the principle which we are now discussing is concerned? Is the right of selection, which few would deny as being an abstract power of a freeman, to be considered as discrimination if it is influenced by any consideration of race, creed, color, national origin, or by any human prejudices? Would it be discrimination to refuse to employ a Communist in a business devoted to the research and production of atomic energy and atomic bombs? The man who would employ such a person would be a sheer fool. Would it be discrimination to refuse to employ a Negro as a writer for a magazine devoted to the maintenance of white supremacy? Do not freedom of the press and freedom of speech now permit one to advocate white supremacy? If my right still exists to advocate what I wish to believe and what I wish to assert, I have the right to hire a man to assist me who is in sympathy with my views. That right necessarily involves the subject of race, creed, ancestry, and what not.

It is practically impossible to draw any legal line of distinction between the doing of an injustice because of an unwarranted prejudice, and the exercise of the fundamental freedom to choose one's fellow workers and business associates. That is why this bill, if eventually enacted into law, could never be enforced. That is why it is impossible to get Americans to punish other Americans for drawing the distinction, though their human and unjustifiable prejudices enter into the decision, between the choice of one's workers and fellow associates and outright discrimination merely because of race, color, creed, or what not.

There could be no enforcement in the American way of this proposed law, Mr. President, and there are those in this country who know the truth of my assertion.

In what I now say I exculpate and protect from any possible insinuation my distinguished and beloved friend from New Mexico [Mr. CHAVEZ]. He has a worthy and high purpose in fostering this proposed legislation. I am sure the same is true of the distinguished Senator from New Jersey [Mr. SMITH] who sits on this floor and honors me with his presence. But nevertheless, I assert that there are those in this country who know that it would be impossible to enforce in the American way this bill if enacted. There are those in this country who have never intended it to be enforced in the American way. There are those in this country who would not want to enforce it in the American way. They would want to enforce it through a tyrannical use of political power to the point where no private business could remain in the hands of its managers and where, as the result of confusion, the Government would be compelled to take over. Only a resort to tyranny, Mr. President, could bring about any semblance of enforcement of such a law, and such tyranny, I believe, when once it were asserted, would lead to the speedy abandonment or repeal of the law, because I have not yet lost my faith in the American people. The bill itself recognizes the truth of the statement and anticipates the necessity that forces free

government to assume the role of the tyrant over its citizens.

Mr. SMITH. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. GEORGE. I yield.

Mr. SMITH. I do not rise to debate this matter with the distinguished Senator from Georgia. I rise frankly to say that practically every point he has made has been very heavily on my heart for many months, if not years. I rise frankly to say that I am faced with a dilemma and I desire to ask the Senator a question.

I am finding myself supporting a measure which I hope will be drastically amended before action is taken on it, and I hope to help to prepare amendments. Fundamentally, for many of the reasons the distinguished Senator has stated, I do not approve the measure as it is now drawn. Yet, Mr. President, the presentation of this measure here and the enactment of similar measures in States like my own—New Jersey—and New York, symbolize something very fundamental, and it seems to me that we are called upon, not with heat and certainly not with any sectional differences, but as men, to seek a solution.

The problem is that of minorities, not only in America but in the world. All over the world the same issue is before civilized peoples. It will be before the U.N.O. We have it here first because the other nations of the world are asking us, "How are you going to solve your minority problem?" And it is because I want America, the home of the free, the home of those who believe in the Bill of Rights, the very Bill of Rights the distinguished Senator has been defending—and I heartily concur with his analysis of it—to solve this baffling problem that I am deeply interested in this bill.

I pleaded in the committee before the bill was reported that we might take time to confer with those who live south of Mason and Dixon's line, who know much more about the problem than we do, to see if we could not find a *modus vivendi*, not so much to handle the social question, but the fundamental question which is equality of opportunity in education and in occupation for all our people.

Mr. President, I regret to say that it was not possible to hope that such a program could be worked out, and we were forced to the position either of abandoning having the subject considered or else reporting a bill which we hoped to have debated on the floor by the Senate, acting as a committee of the whole, as the Senator from Oregon [Mr. MORSE] has said, whereby we might find some way of getting together, and, as probably the most important legislative body in the world, courageously facing what I think is important in furtherance of the very Bill of Rights to which the Senator from Georgia refers, namely, the right, without regard to race, creed, or color, for the citizens of this country to have equality of opportunity in education and in occupation.

Unfortunately, Mr. President, I have frequently known of cases where em-

ployers, even large concerns, would not hire a man merely because of his color. I have known of cases where my Jewish friends have been discriminated against for no other reason than their religion. They had the intelligence, they had the ability, and they had every other qualification, but, because there is a prejudice against certain of our religious groups, they were denied employment.

I ask the distinguished Senator from Georgia can he suggest a road on which we may travel toward assuring to our people, so far as it is humanly possible to assure them, equality of opportunity in education and in occupation and that they will not be discriminated against; but not to force anything on anybody, for I am opposed to that kind of enforcement. Would the Senator accept the bill of the Senator from Ohio [Mr. TAFT] which provides for investigation and regulation, but not enforcement.

Mr. GEORGE. Mr. President, I have not seen the bill of the Senator from Ohio and I do not know what it provides; I have hardly had time to read the pending bill. I may say to the Senator from New Jersey that I share fully his anxiety and his concern about freedom of opportunity and freedom of employment and freedom of economic equality, so far as that goes, including, of course, education and the right of education. I may say also to the Senator, without adverting to the fact there are a great many Negro citizens in my State and in my section, because I did not wish to discuss this bill on that basis, that great progress has been made in that direction individually and as a race.

The Negroes of the South have become home owners, and the owners of business enterprises. They have entered educational institutions, and in all our public schools they have a daily record of attendance which, on the average, is higher than the record of the white population in the same communities.

I may say to the Senator that the Negroes in the South have accumulated property. They are now engaged in the banking business, in insurance, and in almost every other line of business. Some of them, indeed many of them, have gone into the professions. They are lawyers, doctors, and dentists, and if they are the right kind of men and women, they enjoy the confidence of the community, just as the white people enjoy the confidence of the good citizens of the community.

We are making that progress. The one Negro insurance company that has a greater volume of business on its books today than any other in the world is located in Atlanta, Ga. It is a company owned and controlled entirely by Negroes. I dare say that those Negroes would feel that the Government was cruel and tyrannical if it walked up to their place of business and said, "You must not consider the race or the creed or the ancestry of any person who applies to you for employment," because they have learned that the only way to overcome human prejudice, the only way to take out of the hearts of men and women feelings of that kind which ought not to be in the souls of men and women is

through the gentle influences of religion and education, through the constant efforts upon the part of men and women who understand the problem to really bring about a better relationship.

I had considerable difficulty some time ago with some ministers of my own denomination, because they were not content with the long processes of religion and of religious practices to convert men from sin. They wanted to invoke the policemen and the county sheriff. I could not go along with them. I knew such an effort would fail. I knew that the policemen could not take sin out of a man. That is my belief. There is no way by compulsion of law to do what the bill seeks to do.

In my opening remarks, as the Senator will recall if he was here, I said specifically that the Government as an employer should eliminate any possibility of discrimination on account of race, creed, or ancestry, and that in making contracts for public works it likewise had the power and the authority to legislate with respect to those who would take the jobs, but when it undertook to intrude itself into the personal business of the citizen himself, then the Government was stepping entirely out of its constitutional bounds and powers. Whether we like it or not we must be patient and await the coming of that time when, through the gentle influences of culture, of education, and of religion, improved relationships will manifest themselves in every section of our country. I have no doubt that time will come.

I do not know that there will ever be a time when a businessman will not consider the matter of race, whether a man be black or white, in the selection of his own intimate employees and fellow workers. That is what I have tried to make plain, and I thank the Senator for his question. I thank the Senator for his very fine attitude on this, as on all other matters of legislation, as I have had an opportunity to observe him since he became a Member of this body.

Mr. SMITH. I appreciate the Senator's kind remarks, and I wish to say that I feel the distinguished Senator from Georgia has brought a great deal of light to the consideration of the subject we are discussing.

I myself have taken an active and prominent part in the debate because I think this is a matter which should not simply be brushed aside. I believe it will be possible for us to sit down and work out a plan whereby our attitude as a people can be represented, and whereby grave injustices can be prevented. When that can be done, I do not know. I share the Senator's feeling that it will be impossible, or next to impossible, to enforce a law of this kind without getting that type of inquisitorial pressure to which we are all opposed, but I do feel that while the Senator is talking about the Bill of Rights I have to put up my hand for what I think is one of the great fundamentals of our country, namely, equality of opportunity in education and in occupation. I thank the Senator.

Mr. GEORGE. I fully agree with the Senator; I am not in disagreement with him at all. I said, and I take the time now to repeat, that I did not wish even

to refer to the fact that in my own State and in the South generally there were many members of the Negro race, and, of course, other races as well, and I shall adhere to my purpose.

I could certainly have no prejudice against the Negro. I was reared with the Negro, and possibly by him. I have really known him all my life. My knowledge of him is not what I have read in books; it is not what political reformers have told me. I know the Negro has his faults; he has his vices, and I know also that he has his virtues. I know I would never do one an injustice, and I and my right-thinking neighbors in the South desire that the Negroes shall have full benefits in the field of education and of employment. Moreover, Mr. President, I have assisted the Negro again and again to obtain and enjoy all those privileges.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. CHAVEZ. I go even further than the Senator from Georgia. I know he desires that everyone in the South should have an education and equality of opportunity, but I wish such a state of mind could be reached that a President could be elected from the South. So far as I am concerned, I should be most happy if, when we go to the next Democratic National Convention, we would not hear, "Well, you cannot elect a man from the South." I know there are many good men in the South who would make fine Presidents.

Mr. GEORGE. I certainly thank the distinguished Senator from New Mexico, for whom I entertain the warmest love and respect, for his very kind words, but I myself have learned that the northern Democrats always discriminate against us from the South when it comes to putting anyone from the South on the national ticket. I can understand that they have that right, and I would not seek to deny it, and I have never sought to deny it.

I wish to remind the Senate, in just a word, that it has been a long, long time since Henry Grady, in Boston, reminded the East and the world that in the dark days of war, when there were no white men or even boys left in the community, the only thing that stood between our southern women and southern womanhood, and debauchery, was a black man's honor. That was true. It was true in countless numbers of cases all through the rural South.

Does anyone think we do not wish to treat the Negro as he should be treated? I do not say that everyone in the South has treated the Negro properly. I recognize that the South has often been at fault in its treatment of the Negro; I understand that; but we have made great progress, continual progress. We are on the way up, we are on the way to a better day, and men do not help us when they bring up bills like the one now pending, although they may do so with the best of purposes, and anti-lynching bills, anti-poll-tax bills, and other similar measures which seem to be aimed at deep social and economic convictions held by the men and women of the South.

It may be prejudice, but, granting that, it is simply human prejudice, and there is no answer to human prejudice, and never has been an answer, except the influences of education, the influences of religion, those influences which make for the general culture and advancement of a people and of a race.

Mankind has known for 2,000 years where to turn for sympathy and succor in the hour of travail and suffering. Man has had that recourse since the Savior of mankind hung bleeding and broken upon the cross. There are no short cuts, there is no easy way. But I stand here today and assert that no people in all history have made the progress the black man and the white man in the South have made since Lee handed his sword to Grant at Appomattox, and Grant returned it to Lee.

No people anywhere have made such progress as the people of the South have made, white and black alike, and they have patiently endeavored to work out their problems, with full recognition that the problems existed, and with full recognition that they would be able ultimately to meet them.

Mr. President, I was about to say, and I say it now, that not the good men who have fostered the proposed legislation and the good women who believe in it, not any of our colleagues here or in the other body, think that this bill, if it shall become a law, will be enforced by tyrannical means; but there are people in this country who think they are above government and who think that they will enforce this bill, if enacted, by resort to means, methods, and practices which would destroy any private-enterprise system on the face of the earth.

We have given into the hands of the left-wingers many instruments of public power; but give them this bill, with the power actually written into it, and it will be practically impossible for private business and private enterprise to continue.

I said, Mr. President, that this bill is violative of the Bill of Rights, the very basis upon which it is insisted the legislation rests, or should rest. What do I mean? I find in the bill, proposed to be written into the letter of the law, that the agents selected or elected or chosen to administer it may go into any private business anywhere, without a search warrant, without probable cause, in the very teeth of one of the original ten amendments to the Constitution which we call the Bill of Rights. That amendment says, "You shall not do it." The amendment says the State or the National Government shall not do it. But the bill says that an agent may do it. What does going into private business mean?

Mr. President, I am a farmer, not a large farmer, but I have at least 6 persons, perhaps 15 persons, who work side by side with the foreman on my farm. The only place of business I have is my private home. Since I came to the Senate, if I have any books or any records of my farm operations, they are in my own private home, which is located outside a little village in southern Georgia. Under this bill, an agent may enter my home, take my books, make copies, pro-

duce evidence, without a warrant, without any authority of law, even without probable cause. Read the Bill of Rights, and Senators will see that such acts are expressly condemned.

Then, Mr. President, under the bill, jury trials are to be entirely abolished. In the bill there is nothing that looks toward a jury hearing, to a right to be heard by a jury, if one be accused of discrimination on account of race, creed, color, or ancestry of another, insofar as human employment is concerned. One of the 10 amendments even says that when as little as \$20 in money is involved a man has a right to have a jury trial. But that is not so under this bill. The individual does not have any rights under it.

Then the most extraordinary provision of the bill is that anyone accused of having discriminated in employing his workers or in failing to advance them, or in discharging an unruly worker, on account of his race, creed or his ancestry, may be haled before a court if he refuses to give evidence when he is called on to testify, and punished as for contempt. That applies to any citizen anywhere in the United States or in any of its insular possessions. Under this bill, a citizen of Hawaii can be brought into Maine or Georgia and punished for contempt because he has refused to answer to one of these nomadic kangaroo agents who are going around all over the country inquiring into why an employer has not hired someone, or why he has discharged him or why he has not advanced him. Do Senators know what is in the bill? Read it. That is in the face of the whole spirit of the Bill of Rights. The Bill of Rights sought to give every man a trial by a jury of his peers, in the community where the alleged offense was committed, on a charge by men who likewise were acquainted with his circumstances and with his condition.

Mr. HAWKES. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. HOEY in the Chair). Does the Senator from Georgia yield to the Senator from New Jersey?

Mr. GEORGE. Yes.

Mr. HAWKES. Did it ever occur to the Senator that the reason the framers of the bill did not give a man the right of trial by jury in the case the Senator is talking about in the community where the offense is alleged to have been committed is because no offense, in this case, is committed under the Constitution of the United States, and therefore they do not dare give the individual a trial by jury?

Mr. GEORGE. That is correct. The Senator may not have been present at the time, but I said those who really understand the bill know very well that it can never be enforced in the American way, that it can only be enforced by a group in the United States who propose to use extra-legal and extra-constitutional means in its enforcement. The Senator from New Jersey is entirely correct.

Mr. HAWKES. The Senator from Georgia is absolutely correct in that statement. I probably have done as much for the Negro—and I shall continue to do so during the remainder of

my life—as any man who has ever been in business in the United States. I intend to speak on this subject before the Senate gets to a vote on the pending measure. I recently talked with one of the most eminent Negroes in the State of New Jersey, who told me the same thing a very eminent woman who had worked in prohibition told me, that if this bill should become law and an effort should be made to enforce it as it is now written, it would destroy all the work he has done in behalf of the Negro in the last 20 years. He is a man of very high standing among the Negroes in my State.

Will the Senator pardon me for a moment if I say a few more words?

Mr. GEORGE. I shall be glad to yield to the Senator if I may do so without losing the floor, though I am about to conclude.

Mr. HAWKES. This is not a one-sided question, and Senators must understand that pressure groups do not mean the American people. They do not always mean all the people in the group they are presumed to represent. I shall show before I get through that in my opinion this proposed law will do the Negro no good. That statement can be applied to others than the Negro, for there are other people in other groups who will be affected by this bill. Instead of doing good, it will do each one of them untold injury if it is put on the books in anything like its present form. I desire to say that according to my American lights and with my experience in the United States, choice of employment cannot be legislated. It simply cannot be done. It is not compatible with the American system. It is not compatible with the guaranties of the Constitution of the United States.

Mr. President, I thank the distinguished Senator from Georgia for permitting me to say this much at the moment, because I am deeply interested in doing everything that can be done for the Negro, and for all groups, and in the matter of employment I have never discriminated against any group in my life. I thank the Senator from Georgia.

Mr. GEORGE. I thank the Senator from New Jersey very much for his statement.

Mr. RUSSELL. Mr. President, will my colleague yield briefly to me?

Mr. GEORGE. I am about to yield the floor. I yield.

Mr. RUSSELL. The Senator from New Jersey said what my distinguished colleague had said so eloquently but a moment ago, that it is not possible to help a minority by striking down individual rights. No American citizen, whether he be in a minority or a majority, can be helped by doing things which will make him a slave of the state.

Mr. HAWKES. Mr. President, may I say to the distinguished junior Senator from Georgia that in my opinion in connection with legislation of this kind there is nothing more powerful than actual facts, evidencing what goes on in practice. I have had a tremendous amount of experience in matters of this kind in the company which I represented as president before I came to the Senate. I educated our foremen and superin-

tendents not to discriminate. In one plant we have done a magnificent job in the democratic development of right thinking, fair treatment, and fair practice. In another plant we have not done nearly so well. That is the human equation.

I attended a very important meeting on this subject in Trenton, N. J., at which were present the then Governor Edison and former Governor Hoffman. The atmosphere was highly political. Many were looking for the votes of minorities. Sometimes we underestimate the thinking ability of segments of minorities. They do not always vote the way the pressure groups try to make us think they will vote. I told those assembled at that meeting the things which I intend to tell the Senate before I am through. I cited actual facts in operation. I told them that the Negro had nothing more important to do than to try to improve himself, and to make haste slowly; that great movements do not occur merely as the result of waving a magic wand or enacting a law.

A colored gentleman who was present, a very distinguished Phi Beta Kappa man, stated that he took great exception to my statement that the Negro must make haste slowly. He said that the Negro had been the most patient man in the world. Let us freely admit that he has been very patient. This colored gentleman said, "All you businessmen have to do is to order so many colored men put on your pay roll in any plant you control." I was not supposed to talk any further, but I said, "My distinguished friend, who has been awarded the Phi Beta Kappa honor at Harvard, is as wrong as he can be. He does not understand the reactions of the human family at all." I asked him, "Do you know what would happen at a certain plant of our company if we were to order 200 Negroes placed on the pay roll tomorrow morning? Within 2 hours we would have a committee of white employees waiting on us, and they would say, 'If you put those Negroes to work the plant will shut down and 1,680 men will go out of work.'" I said, "That is not a matter of management. It is not a matter of law. No one in the world but ourselves can make you or me give decent, high-grade employment and respect to other people. It must be in the heart of man. It must be a development which comes about through education." It comes about through what the distinguished senior Senator from Georgia has suggested. It comes about from religious convictions properly applied in a practical way. It comes about because one wishes to deal fairly with his fellow men.

No Member of this body who does not wish to treat the Negro fairly is fit to sit in the Senate. No Member of this body who has hatred or bitterness against any group in our American life is a good representative of the people. But, Mr. President, neither you nor I can make things move any faster than the human family can absorb them.

Mr. CHAVEZ. Mr. President, I wonder if the Senator from Georgia will yield to me for a brief observation?

Mr. GEORGE. I yield to the Senator if I may do so without prejudice to my

rights. I have no desire to hold the floor very much longer.

Mr. CHAVEZ. Mr. President, I fully agree with what the Senator from New Jersey has said. He has made the statement that someone who had a degree from Harvard suggested that what the company should do was to put 200 Negroes to work. I fully agree that the gentleman was completely wrong. I wish those who, for reasons of their own—honest, legitimate reasons—were opposed to the proposed legislation would get things straight. There is not a single proponent of the bill who would compel the Senator's company or any other company to employ 200 Negroes, 200 Jews, or 200 people of a particular religion. All we are trying to say by this bill is that while we cannot insist that the Senator's company or any other company put them to work, if the Senator's company needs 200 employees, those who are available and qualified should not be discriminated against and prevented from obtaining the jobs merely because they happen to be members of a particular religious group, or because of their color, race, or ancestry. It is not my purpose to try to compel anyone to do anything by this bill except to afford every person the equality of opportunity about which the Senator from New Jersey speaks.

Mr. HAWKES. Mr. President, will the Senator from Georgia yield to me?

Mr. GEORGE. I yield provided I do not lose the floor.

Mr. HAWKES. Let me say to the Senator from New Mexico that in the State of New Jersey there is already too much snooping and interference with the exercise of the right of choice, which is a vital part of our American business life. It makes no difference to me what anyone may say; I know what is going on in New Jersey. A colored man will be sent to a certain plant to find out whether the job is being done in the way he and his group think it should be done. I am not saying this against the colored race. I am merely telling what has happened. The colored man may ask, "Have you a toilet?" In our company the answer is, "Yes; there it is." But he asks that question because he wants to find out whether he will be refused the right to use it.

Mr. CHAVEZ. Mr. President, I do not want the Senator to get the toilet confused with fair-employment practice.

Mr. HAWKES. I do not believe that the American free enterprise system can be operated without the right of free choice in employment. I believe that fair practices must be developed through the hearts of men, rather than by legislation. The Senator referred to my statement about the employment of 200 Negroes. That was simply to illustrate a point.

Mr. CHAVEZ. Like the toilet.

Mr. HAWKES. I do not wish to have the Senator misunderstand.

Mr. CHAVEZ. I do not wish to misunderstand the Senator; but I want the Senator to know that the proponents of the bill do not want the Senator's company in New Jersey to employ a Negro laborer when it needs a carpenter. We do not want him to employ a Negro

merely because he happens to be a Negro, when the Senator needs a machinist.

Mr. HAWKES. There would never be any trouble with the company with which I have been connected in New Jersey because it employs without discrimination all classes of people, including all national origins and Jews and Negroes. In that respect, no other Member of the Senate has any better record than I have. I have a Jewish secretary in my office. I have a Jewish dentist in Montclair, who I think is the best dentist in the world; and I have a Jewish income-tax lawyer, who knows all about my affairs.

Mr. CHAVEZ. That is the best point the Senator has made yet.

Mr. HAWKES. I have had him for years. A short time ago I received a letter from a Jewish gentleman claiming that I was anti-Semitic because I made a speech in New York—

Mr. CHAVEZ. I will deny that, on behalf of the Senator.

Mr. HAWKES. I certainly am not. This gentleman claimed that I was anti-Semitic because I had stated that many Communists were planted in Washington. I did not say anything about Jewish Communists, but he took the statement to himself. I told him that the thing I was worrying about more than anything else was being accused of being anti-gentile, because I had a Jewish secretary, a Jewish dentist, and a Jewish income-tax lawyer.

Mr. CHAVEZ. If this bill becomes a law, we will not permit the Senator to continue that arrangement. We must have fair employment. [Laughter.]

Mr. GEORGE. Mr. President, I thank Senators for their contributions, but I must bring my remarks to a conclusion.

Mr. CHAVEZ. Mr. President, will the Senator yield to me?

Mr. GEORGE. I yield, provided I do not lose the floor.

Mr. CHAVEZ. I wish to thank the Senator for discussing the bill on its merits. I appreciate the Senator's remarks. I may not agree with his conclusions, but I know that he has discussed the bill in the way it should be discussed.

Mr. GEORGE. I thank the Senator.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

NOTICE OF HEARING ON NOMINATION OF FRANK M. SCARLETT TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF GEORGIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Tuesday, February 5, 1946, at 10 a. m., in the Senate Judiciary Committee room, upon the nomination of Frank M. Scarlett, of Georgia, to be United States district judge for the southern district of Georgia, vice Hon. Archibald B. Lovett, deceased. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr.

McCARRAN], chairman; the Senator from Mississippi [Mr. EASTLAND]; and the Senator from Wisconsin [Mr. WILEY].

NOTICE OF HEARING ON NOMINATION OF JACOB WEINBERGER TO BE UNITED STATES DISTRICT JUDGE, SOUTHERN DISTRICT OF CALIFORNIA

Mr. McCARRAN. Mr. President, on behalf of the Committee on the Judiciary, and in accordance with the rules of the committee, I desire to give notice that a public hearing has been scheduled for Tuesday, February 5, 1946, at 10 a. m., in the Senate Judiciary Committee room, upon the nomination of Jacob Weinberger, of California, to be United States district judge for the southern district of California, vice Hon. Harry A. Hollzer, deceased. At the indicated time and place all persons interested in the nomination may make such representations as may be pertinent. The subcommittee consists of the Senator from Nevada [Mr. McCARRAN], chairman; the Senator from Mississippi [Mr. EASTLAND]; and the Senator from Wisconsin [Mr. WILEY].

JOINT RESOLUTIONS OF RHODE ISLAND GENERAL ASSEMBLY

Mr. GREEN presented two joint resolutions of the General Assembly of Rhode Island, which were referred as follows:

To the Committee on Finance:

Joint resolution requesting the Senators and Representatives from Rhode Island in the Congress of the United States to work for an amendment to the GI Bill of Rights Act in order that men in the armed services who are hospitalized may have the same right as honorably discharged veterans to purchase Federal surplus property.

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they are hereby respectfully requested to work for an amendment to the GI Bill of Rights Act in order that men in the armed services who are hospitalized and have not been separated from the services may have the same right as honorably discharged veterans to purchase Federal surplus property; and be it further

Resolved, That the Secretary of State be and he is hereby authorized to transmit to the Senators and Representatives from Rhode Island in the Congress of the United States duly certified copies of this resolution.

To the Committee on Naval Affairs:

Joint resolution protesting emphatically against the decision of the United States Navy Department to terminate the manufacture of torpedoes at the United States Naval Torpedo Station, at Newport, R. I., and the transferring of such activity to Forest Park, Ill.

Whereas the United States Naval Torpedo Station at Newport, R. I., was established by act of Congress approximately 75 years ago and is one of the oldest naval institutions in the country, a New England institution as well as a Rhode Island one; and

Whereas there is serious question upon the part of the citizens of this State concerning the right of the United States Navy Department to substitute for the main plant at Newport, R. I., established by act of Congress, a temporary war activity for the future manufacture of torpedoes; and

Whereas the termination of the activity at the Naval Torpedo Station at Newport, R. I., has caused extreme hardship to hundreds of civil-service employees who have

given the best years of their lives to the Federal Government service only to learn that involuntary separation in a very large number of cases will mean loss of retirement benefits; and

Whereas the said termination of activity presents a serious unemployment problem in a community which has depended over the years upon torpedo manufacture as practically the sole industry in the city of Newport; and

Whereas a large number of former employees at the Naval Torpedo Station have their families and homes to support and maintain and find it a severe sacrifice or impossible to move out of Newport to find new employment: Now, therefore, be it

Resolved, That the members of General Assembly protest earnestly and vigorously the decision of the United States Navy Department to terminate the manufacturing of torpedoes at the United States Naval Torpedo Station at Newport, R. I., and the transfer of such activity to Forest Park, Ill.; directing the Senators and Representatives from Rhode Island in the Congress of the United States to use every effort at their command to halt this said proceeding and to have said decision reconsidered; directing the Secretary of State to transmit duly certified copies of this resolution to the Honorable Harry S. Truman, President of the United States of America, to the Secretary of the Navy, and to the Senators and Representatives from Rhode Island in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAILEY, from the Committee on Commerce:

S. 1601. A bill to revive and reenact the act entitled "An act granting the consent of Congress to the counties of Valley and McCone, Mont., to construct, maintain, and operate a free highway bridge across the Missouri River at or near Frazer, Mont.," approved August 5, 1939; without amendment (Rept. No. 904);

S. 1660. A bill to revive and reenact the act entitled "An act creating the City of Clinton Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near Clinton, Iowa, and at or near Fulton, Ill.," approved December 21, 1944; without amendment (Rept. No. 905);

H. R. 3730. A bill granting the consent of Congress to the State of West Virginia to construct, maintain, and operate a free highway bridge across the Monongahela River at or near Star City, W. Va.; without amendment (Rept. No. 906); and

H. R. 3940. A bill to revive and reenact the act entitled "An act granting the consent of Congress to Rensselaer and Saratoga Counties, N. Y., or to either of them, or any agency representing said counties, to construct, maintain, and operate a free highway bridge across the Hudson River between the city of Mechanicville and Hemstreet Park, in the town of Schaghticoke, N. Y.," approved April 2, 1941; without amendment (Rept. No. 907).

By Mr. MEAD, from the Committee on Commerce:

S. 1248. A bill to establish a Bureau of Scientific Research, and for other purposes; with amendments (Rept. No. 908).

By Mr. McCARRAN, from the Committee on the Judiciary:

S. Res. 216. Resolution authorizing an investigation of the administration of martial law in the Territory of Hawaii subsequent to December 7, 1941; without amendment (Rept. No. 903), and, under the rule, the resolution was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DOWNEY:

S. 1772. A bill to amend an act entitled "An act to allow credit in connection with certain homestead entries for military or naval service rendered during World War II"; to the Committee on Public Lands and Surveys.

By Mr. SALTONSTALL:

S. 1773. A bill for the relief of Frederick Uhrman; to the Committee on Claims.

By Mr. HAYDEN:

S. 1774. A bill for the relief of Charles J. Smith; to the Committee on Claims.

By Mr. MORSE:

S. J. Res. 137. Joint resolution to authorize the Secretary of Labor to make certain studies of the health of school children, and for other purposes; to the Committee on Education and Labor.

"ALTERNATIVES TO BRASS HAT MUD- DLING"—ARTICLE BY SENATOR LA FOLLETTE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an article written by him, entitled "Alternatives to Brass Hat Muddling," published in the January 28, 1946, issue of the Progressive, which appears in the Appendix.]

RURAL ELECTRIFICATION BENEFITS FROM ST. LAWRENCE DEVELOPMENT— ARTICLE BY SENATOR AIKEN

[Mr. AIKEN asked and obtained leave to have printed in the RECORD an article entitled "Development of the St. Lawrence: Benefits to Rural Electrification," prepared by him and published in the January 1946 issue of the magazine Rural Electrification, which appears in the Appendix.]

EXTENSION OF PRICE CONTROL

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an article entitled "Truman Asks Price Control For Next Year," which appears in the Appendix.]

FEPC TERMED FARCE BY LOCAL EMPLOY- ERS—ARTICLE FROM THE ANDERSON (S. C.) DAILY MAIL

[Mr. MAYBANK asked and obtained leave to have printed in the RECORD an article entitled "FEPC Termed Farce by Local Employers," published in the Anderson (S. C.) Daily Mail, which appears in the Appendix.]

ADDRESS BY HON. HAROLD E. STASSEN AT CONFERENCE OF THE NATIONAL COUNCIL FOR A PERMANENT FAIR EM- PLOYMENT PRACTICE COMMITTEE

[Mr. MORSE asked and obtained leave to have printed in the RECORD an address delivered by Hon. Harold E. Stassen, of Minnesota, at the conference of the National Council for a Permanent Fair Employment Practice Committee, at Washington, D. C., on January 23, 1946, which appears in the Appendix.]

A HUMANITY LOAN—ARTICLE BY ALVIN JOHNSON

[Mr. MORSE asked and obtained leave to have printed in the RECORD an article entitled "A Humanity Loan" by Alvin Johnson, which appears in the Appendix.]

THE FILIBUSTER—EDITORIAL FROM THE OREGONIAN

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "The Filibuster," from the Oregonian of January 21, 1946, which appears in the Appendix.]

PRICES AND THE COST OF LIVING—EDI- TORIAL FROM JOURNEYMEN PLUMBERS AND STEAM FITTERS JOURNAL

[Mr. MORSE asked and obtained leave to have printed in the RECORD an editorial entitled "Housewives, Attention!" from the January issue of the Journeymen Plumbers and Steam Fitters Journal, which appears in the Appendix.]

MIAMI IS A SUBSTANTIAL, FAIRLY TYPI- CAL 'AMERICAN CITY—ARTICLE BY JOHN S. KNIGHT

[Mr. PEPPER asked and obtained leave to have printed in the RECORD an article entitled "Miami Is a Substantial, Fairly Typical American City," written by John S. Knight, and published in the Chicago Daily News and other newspapers, which appears in the Appendix.]

FEPC BILL—LETTER FROM A. PHILIP RANDOLPH

[Mr. CHAVEZ asked and obtained leave to have printed in the RECORD a letter from A. Philip Randolph to the editor of the New York Times, urging passage of the FEPC bill, which appears in the Appendix.]

JOURNAL OF THURSDAY, JANUARY 17, 1946

The Senate resumed the consideration of Mr. HOEY's motion to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. FULBRIGHT obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator from Arkansas permit me, without prejudice to his right to hold the floor, to suggest the absence of a quorum?

Mr. FULBRIGHT. Yes, if I may have unanimous consent for that purpose.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. RUSSELL. Then, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gurney	Murray
Austin	Hart	Myers
Bailey	Hatch	O'Daniel
Bankhead	Hawkes	Pepper
Barkley	Hayden	Radcliffe
Bilbo	Hickenlooper	Reed
Bridges	Hill	Robertson
Briggs	Hoey	Russell
Buck	Huffman	Saltonstall
Bushfield	Johnson, Colo.	Shipstead
Byrd	Johnston, S. C.	Smith
Capehart	Kilgore	Stanfill
Capper	La Follette	Stewart
Chavez	Langer	Taft
Cordon	Lucas	Thomas, Okla.
Donnell	McCarran	Thomas, Utah
Downey	McClellan	Tobey
Eastland	McFarland	Tydings
Ellender	McKellar	Walsh
Ferguson	McMahon	Wheeler
Fulbright	Magnuson	Wherry
George	Maybank	White
Gerry	Mead	Wiley
Gossett	Millikin	Willis
Green	Morse	Wilson
Guffey	Murdock	Young

The PRESIDING OFFICER (Mr. McClellan in the chair). Seventy-eight Senators having answered to their names, a quorum is present.

The Senator from Arkansas has the floor.

Mr. FULBRIGHT. Mr. President, if we try to recall the state of mind of the people of this country after the last war, and if we consider their state of mind after the recent war, as well as the state

of mind of people after other wars in the past, I think we shall find that after every war there have always been great confusion, turmoil, and unrest. It is a time when people are very likely to take action without first giving it sufficient consideration.

Mr. President, reference has been made on this floor to the action which was taken following the First World War. Once again I invite the attention of the Senate to our experience in connection with the so-called prohibition law. I believe that the circumstances which grew out of the First World War and which contributed to the attitude of many people in this country, and to the action of Congress in passing the law, were very similar to the circumstances which exist at the present time.

Similar circumstances existing in some of the States following the end of the First World War brought about proposals for antievolution legislation. Such bills concerned a subject matter similar to that we are now discussing. I believe that an experience similar to that which followed the enactment of those laws would follow the enactment of the pending measure. If we were to consider seriously the experiences which followed as a result of those legislative experiments we would not want to see enacted the pending bill.

I may say in an introductory way that I do not feel that I have any prejudice against the Negro or any of the other races or creeds alluded to in this debate. While I come from the State of Arkansas, I once spent several years in Europe, where the people were not so conscious—at least not until the rise of Hitler—of the distinctions between the races as are many people in this country.

In the spring of 1943 I had been a Member of the United States House of Representatives for only a few months, and the famous Pickens case arose. One William Pickens was on the Federal pay roll, and because it had been alleged that he was inclined toward communism, upon the recommendation of the Dies committee an attempt was made to remove him from the Federal pay roll.

I did not know Mr. Pickens, and, moreover, I knew nothing about him. However, I thought it to be improper to pick out an individual and treat him in the way it was being proposed to treat Pickens, and I voted against his removal. A day or two later some of the newspapers revealed the fact that Mr. Pickens was a colored man, and that he was working in the Treasury and promoting the sale of war bonds to members of his race. Upon that discovery a majority—primarily members of the minority party—who had voted for Pickens' removal, reversed their former opposition to him, asked for a reconsideration of the vote, and subsequently voted not to remove Mr. Pickens. In both cases I voted not to remove him on grounds of his beliefs or race. I believe at first there were less than 100 Members of the House who voted not to remove him. Because they discovered to what race he belonged they decided not to remove him from the Federal pay roll. When they first voted upon the question they believed him to be a Communist.

It is very curious what such considerations will do to ordinary, rational people. Of course, it may have been that politics was involved in the case, as I believe politics is involved in the present effort to foist upon us the pending bill.

The antievolution bill is another example of the absurdity to which legislative bodies will go when they attempt to legislate in connection with matters of belief and opinion, such as are involved in the pending measure.

Many years ago, particularly in Spain, the Inquisition was another example of the use of force in opposing a man's beliefs or tastes. I believe that the situation there involved opinions very similar to those which are involved in the present measure.

Mr. President, the point which I should like to make today is in regard to the idea which has been so strongly asserted, both here and in the other House, as well as by some newspapers, namely, that the vast majority of the people of the United States want to have enacted this particular bill, or one similar to it, and that a simple minority of conservative, reactionary, and blind individuals—at least the desire is that we shall so believe—are opposing the measure, and that by opposing it in the manner which has developed on this floor we are thwarting the will of the majority of the people of the United States. I do not believe that the majority of the people of the United States favor this bill. I am positive that if they do not actively oppose the bill, they are not strongly in favor of it.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. The Senator is familiar, is he not, with the very recent Gallup poll which was taken in regard to this bill, in which the majority of those who voted expressed their opposition to the bill, thereby confirming exactly what the distinguished Senator from Arkansas has said?

Mr. FULBRIGHT. The Gallup poll is one of the things which I had in mind. However, I think there is evidence which confirms the Gallup poll. In reading the newspapers one gains the impression that only a very small minority opposes the pending bill. I wish to invite the attention of the Senate to a few facts which I think go much further than the Gallup poll in confirming the view that the bill is not receiving the backing of the majority of the people of the United States, but, instead, derives its force in the Senate through a well-organized vocal minority which is able to exert its influences not only on the Members of the Senate but on the press throughout the United States.

During the past year, 1945, 44 State legislatures met in regular session. But in spite of considerable agitation throughout the Nation antidiscrimination bills were introduced in only 20 of those legislatures. In other words, in spite of the fact that the FEPC and several other organizations did all they could to have antidiscrimination bills introduced at the sessions of the State

legislatures, only 20 bills were introduced, and of that number only two containing any teeth were enacted into law. Those were in New York, where the legislature approved such a measure on March 12, 1945, and in New Jersey, where approval was given on April 16, 1945. However, neither of those laws carried penalties so drastic as the penalties provided for in Senate bill 101.

In addition to the two laws to which I have referred, antidiscrimination measures were approved in Utah and in Indiana. The measure approved in Utah was in the form of a senate resolution which called for a legislative investigating committee to look into the need for antidiscriminatory legislation. In other words, it was merely a resolution requesting that a study and report be made as to whether or not there was any discrimination, and, if so, what should be done about it. The findings of the committee are to be reported to the legislature, presumably at the next meeting.

In Indiana the law is based on an educational rather than a penal approach to this problem. The Indiana measure merely empowers the State department of labor to make studies of discrimination and of methods of eliminating such discrimination. It is similar to the Utah measure. It carries no penalties. Some of its features are contained in Senate bill 101. The department is to publish reports and information regarding the means of eliminating discrimination, and to furnish technical assistance to employers, to unions, and to other agencies, in formulating and executing programs to eliminate discrimination.

Mr. President, of these four States which really took notice of the matter only two actually passed legislation designed to accomplish the purpose the pending bill has in view.

In the other 16 States where bills were introduced, a majority of the bills died in committee, although a few passed one branch of the legislature. I wish to call particular attention to the States where measures were introduced but did not pass. They are not Southern States, they are not the States which, according to the press and according to the general opinion, are the ones which are opposing the pending legislation. The States which refused to adopt the bills which were introduced are California, Colorado, Connecticut, Illinois, Kansas, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Ohio, Pennsylvania, Rhode Island, Washington, West Virginia, and Wisconsin.

I call attention especially to the fact that New Mexico, the State of the leading sponsor of the bill, refused to accept the measure which was introduced in the legislature of that State.

It is interesting to note that the population of the four States which approved antidiscrimination measures, including the two which passed the mild bills—that is, Utah and Indiana—totals, according to the 1940 census, 21,617,413. The total population of the 16 States in which antidiscrimination measures were introduced but failed to pass is 58,453,373. I think it is safe to assume that the 11 Southern States oppose this

type of legislation. The 1940 population of these States was 31,851,026. If we add that to the population of the States which failed to pass the legislation the total is 90,284,399, which is well in excess of a majority of one-hundred-and-thirty-odd million people in this country.

The total population of all other States in which the legislatures did not even consider measures of this kind is slightly more than 19,000,000. Assuming that all these States favor the FEPC—which, of course, is not true—their combined population, with the population of those States which passed the measure, is only 40,721,885.

It is also interesting to note that in 23 of the 37 States outside the so-called solid South there are Republican State administrations. Furthermore, the majority of the States in which antidiscrimination bills were introduced but failed to pass had Republican governors. In addition to those figures, the Gallup poll result indicated the same state of opinion on the part of the people of the United States.

Mr. President, I wonder how it is that the opinion seems to have become prevalent in this country, and especially in Washington, that the majority of the people of the United States approve Senate bill 101. Members of the Senate are elected every 6 years, and, under conditions prevailing since the war, are forced to remain most of the time in Washington—certainly I have been—and it certainly cannot be true that we, the Members of this body, are closer to the people of our States, that we are more intimately acquainted with the beliefs, the feelings, and the opinions of our constituents, than are the members of the State legislatures. The members of the State legislatures represent more closely the traditional and the original function of legislators than do Senators or Representatives in the Congress of the United States. All will recall that in the early days, in the beginning of the parliamentary system, the Members were not elected, and they did not seek the office. They were merely members of the community who were selected by their fellow citizens and sent to the legislature. Membership in the legislature was not a desirable post in those days, and it was not so very long ago that the senior Senator from Georgia [Mr. GEORGE] in discussing the proposed Assembly of the United Nations, pointed out in a very graphic way that in the early days the Members who were selected to represent their fellow citizens did not desire to do so, and that they even made efforts to avoid doing so by purchasing their release from service. Of course, it is difficult for us to realize at this late date that that ever could have been true. But even today in the States—in my State, and I think in most of the other States—the members of the legislature are still ordinary professional men, businessmen, or farmers in the communities. They go to the legislature for only a short time each year or alternate years and in my State remain there 2 months every other year. They are essentially citizens

of their communities. They are representatives in the truest sense, and they are to the greatest degree like the citizens of their communities, as contrasted with ourselves.

The function of representing a State in Washington today is very different from that. It has become a full-time job. It has become practically a profession, and while we try to interpret as best we can the interests of our States, I am quite sure, I am free to confess, that I have necessarily become rather far removed from the people in the State as compared to the members of the State legislature. In any case, it is wholly unreasonable to believe that the Members of this body reflect the desires of the people in this particular instance more closely than do the members of the State legislatures.

I do not pretend to say that it is necessarily the best practice always to follow what one believes to be the current opinion of the citizens of his State. I think that in many instances it is preferable and wiser that legislators in the Senate and in the House of Representatives should undertake to lead and to mold the opinion of the people of the States, especially with regard to such matters as foreign policy, or matters which are far from the ordinary experience of the people, matters about which they would now know from their everyday experience. However, in the particular matter now pending before the Senate dealing with the most intimate relationships in the businesses of the people—and, after all, most of the businesses we think of are small businesses, which in numbers far outweigh the big businesses, a situation which is particularly true in my own State—in such matters of a very personal nature, I think anyone would agree, the people who actually are engaged in business have every facility for evaluating whether or not a bill based upon force in this field is a wise bill. I cannot see that there is the slightest reason to believe that the members of the State legislatures which have had these bills before them and rejected them would be less likely to evaluate correctly the significance of the proposed legislation than Members of the Senate and of the House of Representatives.

Mr. HILL. Mr. President, will the Senator yield in that connection?

Mr. FULBRIGHT. I yield.

Mr. HILL. While the Senator is speaking about States which rejected this type of legislation, the Senator named the different States. Among those he named, of course, was the great State of California. I was very much interested in an article in the Los Angeles Times showing that on the 18th day of this month, a little over a week ago, the steering committee, so to speak, of the Assembly of the Legislature of California, again acted on this matter, and laid on the table a bill involving this subject.

Mr. FULBRIGHT. Does it not strike the Senator as a little unusual, he being a practical politician, as all of us must be to get to this body, that the representatives of the same States which so definitely rejected this proposal are urging the pending bill in the Senate? I cannot

understand, either from a political point of view, if we assume that all of us are motivated by a desire to be reelected, as many of us undoubtedly are, or from the point of view of the highest statesmanship, how these Senators arrive at their decision to support this bill. I cannot understand the diversity of viewpoint between the representatives of States in the Senate and the members of the legislatures of the States.

Mr. HILL. I agree thoroughly with the Senator, and I am as much perplexed as he is to find that in a matter of this kind, on which the States have spoken and have refused to enact legislation, Senators from those States try to get the Federal Government to act when their own States have refused to act. It is perplexing, indeed, I will say to the Senator.

Mr. FULBRIGHT. To me it is completely inexplicable. I was hoping that the Senator from New Mexico [Mr. CHAVEZ] would be here. I hoped he might enlighten me on that point. This is not something new with him. In sponsoring a bill of this nature he is taking a position which has long been his, and it is absolutely incomprehensible to me why during all these years he has not been able to induce his own State of New Mexico to enact such a bill. As Senators know, New Mexico rejected it during the past year.

Mr. HILL. The Senator knows that not a single State which acted in this matter was a southern State.

Mr. FULBRIGHT. Not one.

Mr. HILL. Not one was a southern State. They were States such as California, Wisconsin, Michigan, Illinois, Indiana—

Mr. FULBRIGHT. And Pennsylvania.

Mr. HILL. Even the great State of Pennsylvania rejected it.

Mr. FULBRIGHT. Pennsylvania, which I think we can all agree bears as close a resemblance to New York, which did adopt it, as any State, rejected it; and yet, as I understand from various statements in the press, both Senators from Pennsylvania support this bill.

It would seem to me to be a perfectly proper approach to this question, if we assume that it is a difficult question and needs attention, for the States themselves to undertake the enactment of such a bill as this, and then through their experience, and the improvements which we will assume might come from proper administration, they could prove to us and the other States, that this is a practical way to reach this problem. So far certainly they have not proved that. If its sponsors are serious in their purpose, and in their desire to pass this bill, it would seem to me that the wiser course to pursue would be for the Senators from the States which have refused to enact such a bill to use their efforts in their State legislatures and attempt to persuade them by actually putting such a bill into operation, to demonstrate to the other States that it is a practical way to attack the problem of discrimination.

Of course I think the reason they do not do it is that it is perfectly obvious it is an impractical way. And yet I cannot understand why those who are urging this bill here, if they are sincere about it

and believe it has merits and that it would perform a great function, do not first get it adopted in their own States, and then prove to us by that experience that it is a feasible way to approach the situation.

Frankly, as I said in the beginning, I do not believe that it is the proper way to approach the problem at all. I do not think that there is any good example in the history of this country or any other country which could induce us to believe that by legislative fiat, backed by stiff penalties, people have been made better and have been given a higher moral sense, or have been made less sinful. An analogy which we might think of, to carry the same idea that is inherent in this bill, would be to pass a bill requiring all American citizens to love their neighbors as they love themselves. All of us agree that that is a proper objective. I think all of us from the South agree, and all of us who oppose this bill agree, that it is a perfectly proper objective that no person should discriminate, either in his business or in any other way, against those who are good law-abiding, Christian people.

The idea of irrational discrimination I think is repugnant to all of us. But the idea that it can be prevented by a measure such as this, with the penalties which it provides, to me seems wholly impracticable, as impracticable as the act passed after the last war under conditions very similar to those of the present, when there was great unrest and turmoil and a feeling that something had to be done, and that so long as the Congress simply took action, that was all that was necessary. That is what we are experiencing now in connection with the labor situation. All of us who went home at Christmas, or who stayed here, have received a large volume of letters, even without the President's urging, that the Congress must do something to stop strikes, when it is perfectly obvious to most of us, I think, that the Congress could do nothing to stop strikes. If anybody could do anything, it was the President himself. The situation had reached such a point that it was certainly an executive function. If any legislation might have affected the situation, it should have been passed long ago, 6 months ago at least, so the procedure could have been set up.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. The Senator is a distinguished member of the Senate Committee on Education and Labor. I know he has been attending the hearings which the Committee on Education and Labor has been having on this very subject matter. The Senator knows that very eminent men have come before the committee, such men as Dr. Leiserson, who is now a professor at Johns Hopkins University, one of the most level-headed, soundest-thinking, and most experienced men it has been my pleasure to hear speak before a committee. Some of the great leaders of industry and of labor have appeared before the committee. Other individuals, not on the side of labor or on the side of industry, have appeared before the committee. But not a single one of the witnesses has said, "Yes; Congress can and should take

immediate action and thus end all strikes, put an end to industry-labor disputes, and bring about peace from now on in the field of industry and labor." Has there been a single one who has taken that position? I believe not one has done so.

Mr. FULBRIGHT. The Senator is absolutely correct in that statement. After receiving innumerable letters, and then especially after hearing the speech of the President in which he said that Congress should do something, the first day I returned to Washington and the first day the Senate reconvened we started hearings on that question to see what should be done. It is an amazing thing that the one point on which the president of General Motors, Mr. Wilson, and the president of UAW, Mr. Thomas, and the vice president of UAW, Mr. Reuther, all agree is that that fact-finding bill is not the solution, and that any bill with force and compulsion in it is not the solution.

For the information of the Senate, and to show how unanimous were witnesses from diverse fields, in addition to those mentioned, the committee heard Mr. Will Davis, who, I think all of us will agree, is one of the best-informed men in this field, who was the former Chairman of the Labor Relations Board, who has mediated in many labor cases and is mediating now in the electrical workers' dispute. I think all the witnesses agreed that in the field of trying to make people work by legislation, whether through arbitration or mediation, when the suspension of a strike is involved, as is the case in the fact-finding bill, compulsion will not work, but will simply increase the trouble. That is what I would say is a summary of the conclusions of all the men who have appeared as witnesses before the committee, including those representing labor, management, and the public.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. In other words in the field of human relations, which is exactly what we are dealing with in the matter of employer and employee, if we want to solve the problems and solve the conflicts and disagreements which exist we must have mutual confidence and understanding and good will and good feeling. The minute anyone comes in with a big stick, with a bludgeon in his hand, even though it be the Government of the United States, with the threat of knocking someone on the head, immediately the result is to dispel and destroy good understanding, good will, mutual confidence, and good feeling. It then becomes a struggle as it were, from which there arise malice, greed, bitterness, resentment, and all the things that undermine and impair and defeat the very spirit of amity and of good will that must be present if we are going to work out these human relations and obtain agreement. Is that not true?

Mr. FULBRIGHT. That is exactly correct, and that is in a field very similar to that in which attempt is now made to legislate.

Mr. RADCLIFFE. Mr. President, will the Senator yield for a brief comment?

Mr. FULBRIGHT. I yield.

Mr. RADCLIFFE. When a moment ago the Senator referred to the proposition often advanced, "Let Congress do something," it recalled to my mind the succession of fugitive slave laws which were passed prior to the War Between the States. After slaves escaping from servitude had reached the North, attempts were often made to recover them. As existing laws were not deemed sufficient to enforce their return, a fugitive slave law was passed; but it was not sufficient for the purpose desired. Then another such bill was passed which had more teeth in it. That also was inadequate and so law after law was enacted with more and more drastic penalties set forth in them. I do not recall how many of such bills were passed but they were all futile insofar as really accomplishing the objective sought. Such a law could not be enforced in the North.

The people of the North were not going to return to the South men and women who had escaped from servitude, no matter how drastic the law on the subject. I am certainly under the definite impression that the last of those laws had in it almost every kind of teeth that could be put in it in an effort to make it enforce return. But they were nullities as to results sought. They could not be carried out except in rare cases. On the contrary, the very fact that such laws were passed tended more and more to irritate the people in the North who were not in accord with the philosophy of the fugitive slave laws and to intensify their purpose to disregard the statutes passed.

I simply cite the historical incident as an illustration to show that the passage of laws on the same subject, one after another, in increasing intensity of purpose, did not accomplish the purpose for which they were designed.

Mr. FULBRIGHT. Whenever a law is passed which is not in accord with the will of the majority of the people, of course that result is reached. That has proved true in every instance where it has been tried. The most understandable one is the Prohibition Act. It is not only a fact that it was not enforced, but it had, I think we will all agree, very serious effects in other fields, particularly in the break-down of respect for all law. In that period there developed the great gangs and the kidnappings and a great many of the other ills which have afflicted us ever since that law was passed. I think it was a most unfortunate experience.

I firmly believe that this bill, if it were enacted, would not be enforced. If those who are urging its passage are serious about the matter, and want it to grow gradually, like all political institutions must grow if they are to have any stability or validity in the long run, it would be perfectly proper for them to start it in the States under their police power, and educate their people and prove that it can be done and can be enforced effectively.

Coming back to the point which the Senator mentioned a moment ago with regard to labor relations, I was surprised at the testimony given at the hearing. I expected to hear the president of General

Motors, which is involved in a strike, and practically everyone else representing management, advocate proposals to outlaw strikes, order the strikers to jail, fine them, or do something to them, and tell them to go back to work. I, of course, expected the labor unions to take the other view. But I was surprised at the unanimity with which they agreed that this is a very delicate relationship. It is not a relationship which can be handled with rough gloves, or in which penalties can be imposed. We went into considerable detail with respect to the breach of the contract which had been entered into, aside from the question of violation of law. But even after management and labor have entered into a contract, additional or different penalties from those involved in the contract should not be imposed. I thought the witnesses were going very far when they advised against the use of force and penalties for the violation even of an agreement in a labor contract itself.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. As I understand Mr. Wilson's testimony, not only did he have the definite conviction that the use of force or a bludgeon by the Government would impair and make more strained the relationships which must exist if labor agreements are to be effective in getting people to work and obtaining production to carry forward a great expanding economy in this country, but Mr. Wilson was wise enough to know that once the Government enters the picture with force, perhaps today that force will be used to bludgeon labor, and tomorrow the self-same force may be used to bludgeon industry and management. When we arrive at the point where labor relations are dependent upon the use of force—the use of force on labor today and on industry tomorrow—we destroy the American free enterprise system. Is not that true?

Mr. FULBRIGHT. It is absolutely true.

Mr. CHAVEZ. And, of course, that is more important than human welfare.

Mr. FULBRIGHT. The whole objective of the labor relation is human welfare. Not only is the welfare of the laborers who are concerned involved, which is obvious, but the whole public is affected by a reasonable, sensible management of the very sensitive human relationships which exist between labor and management.

Mr. HILL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. HILL. The economy of the whole Nation is affected. As the Senator says, the welfare and employment of all the people are affected. No better illustration of that statement could be had than the steel strike. If it were to continue, what would it mean? Not only would hundreds of thousands of men in the steel industry and its subsidiaries be out of employment, but men making automobiles, men making farm equipment, men making everything down to the lowly safety razor, would be out of jobs, because there would be no steel with which they could work and produce.

Mr. FULBRIGHT. That is certainly true. The idea of the Senator from New Mexico that we are not interested in human welfare is completely erroneous. We cannot merely legislate against sin, or in behalf of human relationships, if we ignore the relationships which are fundamental to the welfare of the people. The relationships between labor and management, as they have been developed in connection with the legislation considered before the committee, are obviously very delicate. I think the testimony will support the statement that they are very similar to the marital relationships. They are that delicate. In fact, Mr. Will Davis used them as an analogy. He stated that the two relationships were very similar. We cannot legislate to make every husband love his wife. It is much the same way in the field of labor relationships.

Mr. HILL. Not only can we not legislate to make every husband love his wife, but we cannot even legislate to make every wife love her husband.

Mr. FULBRIGHT. That is true. We encounter similar difficulty when we undertake to enact a law with very serious penalties.

There is one point which I wish to make in that connection, with regard to the necessity for a fact-finding bill, and the necessity of stopping a strike during the so-called cooling-off period. By the way, every witness stated that it would be a heating-up period. They all used that description. Everyone agreed that even though the final solution by the Government were to come after collective bargaining, the result would be to short-circuit the usual procedure of collective bargaining. The parties would then say, "We will finally have to go to the Board anyway." So it would destroy the usual collective-bargaining procedure which the Labor Relations Act, under which we have been operating, has sought to promote.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. WHITE. The Senator spoke of the difficulty of obtaining enforcement of the proposed law, as well as the enforcement of all statutory enactments of this general type. I think he put his finger on a very profound truth which has significance in our national life.

I do not remember the figures accurately, but I know that in the past six Congresses bills or resolutions to the number of approximately 80,000 have been introduced. Many of them—I do not know how many, but a great many hundreds—have been enacted into law.

In addition to lawmaking by Congress we have lawmaking through rules, regulations, and directives which come from the Executive and from many of the departments and agencies of government. We have 48 States whose legislatures are constantly enacting laws applicable within their respective jurisdictions. In addition, there are approximately 3,000 counties in the United States which, within their territorial limits, have a law-making power, and they enact laws within their areas. We have, also, between 18,000 and 20,000 municipalities in the

United States, which make laws. We call them city ordinances or town ordinances, but they are laws, with the full application of law within the territory.

I do not know what the total number of laws enacted by the people of the United States through their representatives has been, but I remember reading some time ago that there were on the statute books of the United States, on the statute books of our States, in the records of our county commissioners, and in the records of our municipalities, probably more than 2,000,000 laws in force in the United States. The writer further stated that that very mass of legislation made it impossible for the average citizen to know and observe the law. There is a saturation point beyond which the citizen cannot go in his understanding and absorption of law. I suppose that fact probably contributes greatly to what I believe to be another truth, namely, that we in this country are more negligent of law, more remiss in our observation of law, more lax in our enforcement of law, than are the people of any other civilized country in all the world.

I believe that in those facts there is a warning. We shall continue to be a lawless people if we continue to pile up laws and subject the individual citizen to acts of Congress, acts of State legislatures, and acts of lesser municipal units. So I think the Senator from Arkansas spoke wisely and rightly when he called attention to the difficulty of securing enforcement of law. I believe that what I have said further illustrates that truth.

Mr. FULBRIGHT. I thank the Senator very much for his contribution.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. I am sure that the Senator from Arkansas will also agree that with all the laws and all the difficulty in law enforcement, we should not create an independent lawmaking body such as is proposed in the bill, and give that agency the power to enact still further laws which would really be in the nature of laws prescribing criminal penalties.

We know that this bill proposes to give the FEPC the power to adopt any rule or regulation which it might see fit to adopt, and therefore we would have still another organization which would be writing laws to control the rights of American citizens.

Mr. FULBRIGHT. Of course, Mr. President, I will say to the Senator that we have gone very far in delegating the power of regulation to many agencies, such as the Interstate Commerce Commission, and so forth. But they are engaged in fields of activity very different from the one with which the Commission now under discussion would be concerned. The fundamental defect of the pending measure is the character of the relationship which it attempts to control by very severe penalties, which would be most difficult of enforcement.

A moment ago I attempted to show that there is good reason why the relationship referred to by Mr. Davis, as compared with the labor-management relationship or the marital relationship,

has not been regulated or legislated upon by the Federal Congress. If there is anything to be done about it, it should be done by the States. There is very good reason why certain matters are very much more appropriate for regulation by local governments than by a government far removed. This sort of relationship is one of the best examples of the type of subject which should be dealt with, if at all, by the local governments, because involved in this relationship are all of our customs or beliefs—or prejudices, if you like. The religious background and all other backgrounds as to beliefs are involved in such relationships of close human association, and that is a further reason why, if we are to have such laws at all, they decidedly should be made by the local governments—if, as I have said, they are to be made at all. But certainly they are inappropriate for a national legislature to make. I cannot see that this problem is a national one in the sense that it requires Federal legislation. Of course, I believe it is so close to the analogy which I mentioned a moment ago that it is very dangerous to legislate on it at all, just as it is dangerous to pass coercive labor legislation. We defeat our own purpose if we attempt to inject force into such legislation. Those were the words of Mr. Davis and Dr. Leiserson. Mr. President, I do not like to prejudice the work of a committee or of the Senate; but if we take the best advice which we have been able to secure, I think we find that is the result which would obtain.

In that connection I wish to refer to a statement which was made by the senior Senator from Ohio [Mr. TART] about the time when this bill was being considered in the committee. I think his statement expresses very well the thought we have been discussing in the last few minutes. The Senator from Ohio then said, among other things:

I feel that the compulsory provisions of the bill heretofore introduced in the Senate will hinder progress toward solving the problem, rather than achieve it. Few realize how explosive these compulsory provisions are. They are modeled on the unfair labor practice provisions of the National Labor Relations Act, and give to anyone who is refused employment or dismissed from a job the right to bring an action against the employer, alleging some motive of discrimination because the applicant or employee is white, black, Protestant, Catholic, Jewish, Czech, Pole, or German. Such motives are always possible to allege, and the question is left for decision to a board which is bound by no rule of evidence and practically not subject to court review. Since actions can be started by millions of individuals, rather than by labor unions, the act goes much further than the National Labor Relations Act in providing an almost complete regimentation of employers.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. CHAVEZ. With reference to the particular matter the Senator from Arkansas is now discussing, namely, penalties and the powers of the Commission, let me call the Senator's attention to the Virginia Law Review of December 1945, which quotes Representative NORTON, of New Jersey, with reference to the House

bill which is similar to the one now before the Senate, and refers as follows to the criminal and civil penalties:

FEPC may merely petition a Federal court to compel obedience to its orders. Violation of a court decree is punishable as a contempt of court. FEPC will not be able to enforce its orders without court approval.

Even if the FEPC were to make a decision, Mr. President, it could not compel obedience unless it secured court approval. Willful interference with the Commission's agents is, of course, made a crime, but that is something else.

I have quoted the remarks of Representative MARY T. NORTON, of New Jersey, chairman of the House Committee on Labor, and I believe they are the conclusions which are reached by the proponents of the proposed legislation.

Mr. FULBRIGHT. Mr. President, I do not quite understand the Senator's point, in view of section 14. Of course, one is presumed to know the law, and any interference with, prevention of, or impediment of the work of the Commission could subject a man to a \$5,000 fine or 1 year in jail, or both, as we find when we come to the final penal provision. That is a very severe penalty, and it always stands in the background. No matter how small one may think the interference in the beginning, or no matter how preliminary in nature it may be considered, always facing the accused person ultimately is a very severe penalty.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. The Senator from Arkansas well knows, too, that the other provision of the bill—although it is hidden under the seemingly innocuous words to the effect that the same rules which apply in the case of appeals from decisions of the National Labor Relations Board shall apply in this case—absolutely strips from a defendant any right of defense on the basis of the facts, when he gets into the circuit court of appeals, because if there were any evidence to sustain the finding of the examiner or itinerant worker or agent of the FEPC, the court, if it did its sworn duty of following the laws written by the Congress, would be bound to uphold the decision of the agent or examiner of the FEPC and thereby to cite the defendant for contempt, with the full power, if not with the duty, of placing him in jail if he did not carry out the order of the FEPC.

Of course, Mr. President, this bill is written in such a way as to seem fair on its face, and so we find that it provides that a defendant can appeal to the circuit court of appeals. But by its very terms the bill provides that when the defendant gets before the circuit court of appeals that court will be without any authority to go into the merits of the case under consideration. As a matter of fact, the circuit court of appeals could write an opinion stating that in the hearings before the examiner 100 witnesses appeared, that one of them testified against the defendant and alleged a state of facts which would justify a finding against the defendant, and that 99 witnesses testified for the defendant; and the court could say that to its mind the testimony of the 99 witnesses absolutely destroyed the po-

sition of the petitioner or the complainant, according to the opinion of the court after it looked into the record. Even if the court said that, after looking into the record and reading the testimony of the 99 witnesses, there was no doubt in its mind that the defendant absolutely was not guilty of any discriminatory practice, nevertheless, under the law as written by the Congress of the United States, the court would have to say that there was in the record some evidence to sustain the finding of the FEPC examiner or agent. Therefore, the court would be powerless to afford any relief in a case which it regarded as being most unjust. Certainly that situation could occur under the facts in the present case.

Mr. EASTLAND. Mr. President, if the Senator from Arkansas will yield, I should like to ask the Senator from Georgia a question.

Mr. FULBRIGHT. I yield.

Mr. EASTLAND. What the Senator from Georgia has said is true. Suppose the only evidence in the record to sustain the findings was hearsay evidence or evidence or testimony wholly incompetent in a court of justice. Yet would not that incompetent testimony be sufficient to bind the appellate court?

Mr. RUSSELL. Yes; I think that evidence which would be incompetent under the rules of law by which we have been guided, at least in all courts whose judicial systems stem from the common law of England, might be admitted in such a case. Such evidence would not be admitted by any court of law considering a case in which the rights of a defendant were involved, but in the proceedings under the pending bill evidence of that sort would be deemed sufficient to uphold the allegation of an agent or examiner of the FEPC. The representative of the FEPC would not even issue a citation unless he had made up his mind in advance that he would find the person or firm charged guilty, and in such case the representative of the FEPC would act as the prosecutor, judge, and jury.

Mr. EASTLAND. Then a defendant could be convicted without one single fact being found by competent evidence. Is that not true?

Mr. RUSSELL. That is my understanding, because no rule of evidence whatever is provided for in this bill. The bill is lacking in that regard. The absence of such a provision is one of the most glaring omissions, among many, of the bill.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I wonder if the Senator from Arkansas will agree with me that the article which was quoted from the Virginia Law Review by the distinguished Senator from New Mexico and the view expressed by Representative NORTON support the conclusion that the proponents of the bill should have no objection to providing that the entire procedure for a hearing and for enforcement of the law be a judicial process instead of an administrative process.

Mr. FULBRIGHT. We were discussing the particular bill now before the Senate. From my own point of view, if it provided for judicial process I would

still believe the subject matter of the bill was entirely improper for a national legislative body to undertake to enact into law. Personally I think the bill would be improper even if it provided for a perfect judicial procedure.

Mr. MORSE. I understand that to be the Senator's position. I respectfully disagree with his entire thesis. If we had a bill which protected what I consider to be basic judicial guaranties which would accrue to the benefit of any American citizen when being dealt with in connection with criminal penalties, I believe that much opposition to such a bill would be removed. I am satisfied that such a bill would pass this Senate if the Senator and his colleagues would permit us to vote on it. I appreciate the permission of the Senator to interrupt him and shortly I shall finish what I wish to say.

Adverting to the speech which was made the other day by the Senator from Georgia [Mr. RUSSELL], I may say that I do not find myself in disagreement with the point which the Senator continues to make on the floor of the Senate with regard to the procedural provisions of the bill. I have expressed myself in sympathy with judicial rather than administrative processes in connection with other bills which have been considered by the Senate. I wish the RECORD to show that one reason why I did not become one of the cosponsors of the pending bill was the objection which I raised, when the bill was first discussed with me, with regard to its procedures. I happen to be one who believes that when dealing with criminal penalties judicial functions should not be turned over to administrative tribunals.

Mr. RUSSELL. Mr. President, the Senator from Oregon was trained in the law and he would come naturally to the conclusion which he has stated. But the Senator said that I am continually repeating my conviction with regard to what I conceive to be one of the major defects of the bill.

Mr. MORSE. I am not criticizing the Senator for doing so.

Mr. RUSSELL. When a proponent of the bill, such as the Senator from New Mexico, rises and reads something which controverts what I said the bill denies, namely, a trial by jury, I shall rise and state my position with respect to it. Every time statements are made on this floor that the bill in its present form does not strike down all Anglo-Saxon forms of jurisprudence I shall rise and deny the truth of the statement.

Mr. MORSE. I appreciate the observation of the Senator from Georgia.

Again I thank the Senator from Arkansas for permitting me to make for the RECORD the statement which I have made. I have one more statement to make and then I shall close.

I have been criticized by certain proponents of the bill now pending before the Senate on the ground that I am in favor of some amendments. I have told those persons in letters, and I now serve notice on them through the RECORD, that I intend to work for the passage of the soundest FEPC bill for which I may be given an opportunity to vote, so long as

such proposed legislation contains certain judicial guaranties which protect what I consider to be basic procedural rights to which American people are entitled under government by law.

I believe that the Senator from Arkansas knows the basis of our difference, and I am also sure that the Senator from Georgia knows the basis of our difference. I believe that we have mutual respect for each other's opinions in regard to the merits of the bill.

Mr. RUSSELL. I have respect for the views stated by the Senator from Oregon. I will agree with him wholeheartedly so long as he states that he is in favor of protecting the rights of citizens against the invasion of such rights by administrative bodies.

Mr. MORSE. My record is perfectly clear on that point with regard to a host of legislation which has previously been before the Senate. However, we do have a difference in opinion in regard to one point. I wish that the opponents of the pending measure would permit some of the rest of us to amend it on its merits. On that point I do not suppose that we can ever reach an agreement. I had hoped that we could find some solution to the impasse which has been reached in the Senate, so that we could proceed to vote on the type of amendments which I should like to have the Senate vote up or down.

Mr. RUSSELL. The Senator has stated that he has received criticism from those who are insisting that we accept the bill in its present form. The Senator has declared his independence from that group. He says he cannot go along with them all the way. Having been a professor of law, and having been inculcated with the doctrine that individuals have some rights, the Senator might vote for some amendments to the bill which would cure some of the worst vices of the bill. But what assurance do we have that other Senators will not do the bidding of the pressure groups to which the Senator has referred as having criticized him, and refuse to allow the bill to be amended in such a way that the American citizen may be tried by a jury of his peers? When pressure groups try to prevent one of the most ardent supporters of the bill, such as the Senator from Oregon, from supporting the elemental right of a trial by a jury, what rights will be left by the pressure groups if we submit the amendment to a vote and have it rejected? We know that the efforts which have been made thus far to force the adoption of the pending measure in its present form will be intensified on the Members of the Senate who up to now have not shown themselves so plastic in the hands of the pressure group as are some of the other Members of the Senate. The Senator from Oregon has stated his independence of some of the groups who would be unwilling to have the bill amended so as to afford American citizens some little semblance of the rights for which our forebears fought, and which we enjoy. However, we know there are other Members of the Senate who have been so greatly impressed or intimidated by those groups that they would oppose the Senator from Oregon and doubtless criticize him because he

has expressed a willingness to deal even as fairly with the American citizen as to give him his day in court before he is jailed. So merely on the basis of the statement of the Senator from Oregon, we cannot surrender what we deem to be vital in preserving the rights of the individual citizen of this Nation.

Mr. President, we have heard talk about minority groups. They have rights which should be protected. The majority groups also have rights which should be protected. But neither the minority nor the majority in this country can have any rights if the Government invades the rights of the individual and takes them away from him. When the individual citizen is chained to the wheel of the state, it matters not whether that individual be a member of the minority or of the majority, a disservice is being done him and all other individual citizens of this country, and all those rights and privileges which have been made possible under our form of government will be stricken down.

Mr. MAYBANK. Mr. President, will the Senator from Arkansas yield to me in order that I may propound a question to the Senator from Georgia?

Mr. FULBRIGHT. I yield.

Mr. MAYBANK. The Senator from Georgia has discussed ably the rights of the minority and the majority. He has also stated that there are Members of this body who, perhaps, would not agree to such an amendment as that referred to by the Senator from Oregon. I should like to know what the Senator from Georgia believes would happen to this bill, even if amended, after it got over to the other House. The Members of the House of Representatives would be subject to the same pressure groups that Members of this body are being subject to. I wonder if the Senator from Georgia has any idea what might happen in the other Chamber to the bill after we amended it here.

Mr. RUSSELL. I do not know what would happen to it. I assume that the pressure on the Members of the other House has been as great as it has been on the Members of this body in the demand that the bill be enacted into law. However, I know that our parliamentary system was devised so that the rights of minorities would be protected. We know that in the House of Representatives a bill may be passed, regardless of the inequities which it may contain, at any time without the right of free and unlimited debate, whereas in the Senate of the United States, this great citadel of individual rights and liberties, we have the right of unlimited free expression.

So, Mr. President, it would take a great many assurances, which would have to be confirmed, assurances which it would be almost impossible to guarantee, to get me to agree to any plea that I vote on the amendments to the bill with the hope the evil of the bill would be cured by the House of Representatives.

I have no voice in the House of Representatives, I did not take an oath at the bar of the House of Representatives. I have a voice here, I took an oath at the bar of the Senate. I intend to use my voice here in attempting to maintain

the oath I took, as I see it, without criticizing any other Member of this body for views on any question on which we happen to be at variance.

Mr. MAYBANK. If the Senator from Arkansas will further yield, I should like to follow through with the Senator from Georgia by saying that after the House had voted upon the amendments, the bill then would go to a free conference. Has the Senator any idea that we could have a long discussion or debate on a free conference report, under the rules of the Senate?

Mr. RUSSELL. Everyone knows that a conference report is a matter of the highest privilege in this body, and everyone knows that a Senator who lets a bill go to conference with the idea that he will be able to defeat the conference report would be running a hazard which he does not have to accept, and it is one which I do not propose to accept at this juncture.

Mr. MAYBANK. Then our only hope is here, in the Senate?

Mr. RUSSELL. I have stated that my voice is here, my presence is here, my responsibility is here, and I propose to undertake to live up to my responsibility here to the best of my ability.

Mr. MAYBANK. I thank the Senator.

Mr. CAPEHART. Mr. President—
The PRESIDING OFFICER (Mr. EASTLAND in the chair). Does the Senator from Arkansas yield to the Senator from Indiana?

Mr. FULBRIGHT. I yield.

Mr. CAPEHART. Unfortunately, or fortunately, depending upon the Senator's point of view, my personal observation—and this is purely my own personal observation, without committing anyone whatsoever—is that possibly a great majority of the proponents of the bill, including the able Senator from Oregon [Mr. MORSE], are opposed to the bill in its present form. Therefore I am wondering why the wise thing might not be to recommit the bill to the committee for reconsideration. I do not offer that in the form of a motion, because the bill is not before us in the parliamentary sense, but I do offer it as a suggestion which might in some way end the debate and end the filibuster on the bill. Let the committee write a bill which would be acceptable to its proponents as the bill in its present form does not seem to be.

Mr. RUSSELL. Mr. President, if the Senator from Arkansas will permit me one more observation, I shall not interrupt him again.

Mr. FULBRIGHT. It is perfectly all right for the Senator to interrupt me.

Mr. RUSSELL. I merely wish to point out that it has been stated here by the Senator from Oregon that some of those on the committee wished to amend the bill, but the situation was such that they could not amend it. Certainly, if they could not amend the bill in the committee, it presents great difficulty to us to perfect it on the floor of the Senate. According to my observation and experience, bills which are written on the floor of the Senate are usually, very poor bills. The legislation is not in the best keeping with legislative practices. My own personal view is that the pending bill should

be referred to the Committee on the Judiciary. That is my own view. I am not in a position at this time to offer any motion to that effect. But if the bill is to be recommitted it should go to the Judiciary Committee.

Mr. FULBRIGHT. Mr. President, I may say to the Senator from Indiana that we had a bill before the committee I think similar to the one his own State accepted, but the proponents gave no consideration whatever to it.

Mr. MORSE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I should like to make a comment on the statement made by the Senator from Indiana. I appreciate his point of view. I do not think he was here when I expressed my answer to the same point of view a few days ago.

It became a very practical matter in the committee as to whether or not we were going to report any bill, for the obvious reason that we have on the committee a group of Senators—and I think they would agree with me—who are opposed to any fair employment practice bill. That is a group of what I call dead votes. No matter what anyone proposes by way of an FEPC bill this group will vote against it. Then there is another group who have a common belief in the basic principle of a fair employment practice act, but they are not in agreement as to just what amendments should be made to the bill. The result is, to be practical about it, that we could not get a bill out of committee unless we did what we did in reporting this bill out.

We were practical and realistic in the committee discussion. We said, "All right; the majority of us do believe in the principle of an FEPC. We will vote this bill out in order to turn the Senate into a Committee of the Whole, in the hope that we can have amendments adopted on the floor of the Senate, so that we can then have a bill for which a majority of the Senate will vote." That happened to be the practical situation in which we found ourselves in the committee.

I am sure the Senator from Arkansas, a member of the committee, is well aware of the fact that my position in the committee was that I hoped the bill would be amended. However, it was a question of counting noses, I say to the Senator from Indiana, and in the committee we could not get a majority of the Senators in support of any particular amendment.

I do not think we should let a bill, declaring a principle like that involved in the bill we are discussing, die because of such a situation as existed in our committee.

Let me say to the Senator from Georgia that I find him very persuasive. I can understand his position as to why he does not want us to propose and vote upon amendments. My difference with the Senator, my difference with all the Senators who believe we should not come to a vote on this bill and proposed amendments is, frankly, that I think we should take our chances, in a representative government, with majority rule on any particular issue. If the Congress passes

legislation which the people of this country thinks is bad legislation, I believe they will make that known at the ballot box, and the legislation will be changed.

I do not think we should make use of the rules of the Senate to prevent the Senate from coming to a vote on the merits of any proposal that is called up for a vote. This is our difference, and I think it is an honest difference. I respect the Senator's views and I am sure he does mine. This is the difference between us. I think that as United States Senators we should be willing at all times to stand up on our hind legs, so to speak, and vote up or down on its merits any legislation that is proposed in the Senate. I do not think we should use parliamentary techniques such as the filibuster, to prevent a manifestation of majority rule in the Senate.

Mr. RUSSELL. Mr. President, it is merely a difference of opinion, which has existed since the foundation of this Government, as to whether or not we should have a pure democracy, where every man's vote would be counted on every issue, or should have representative government. The issue is fundamental between those who do not believe in the right of unlimited discussion in the Senate of the United States, and those who believe in applying limitations and restrictions on the right of discussion in the Senate of the United States. I am one who believes in representative government, and in the right of unlimited discussion. The Senator from Oregon does not believe in unlimited discussion. I doubt whether any amount of debate as to the niceties or the reasons of arguments would ever convince either of us.

Mr. BAILEY. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. BAILEY. I believe I will take occasion to make the remark that if a Senator has two legs he should by all means always stand on them. I will add that the distinction is not drawn here as it should be on a constitutional question. A Senator is sworn to support, uphold, and defend the Constitution against its enemies, foreign and domestic. He therefore has a duty, under his oath, to defend the Constitution, even to the point of a filibuster. That is all I care to say about that issue.

Mr. MAYBANK. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MAYBANK. I should like to take the opportunity to read an editorial which appeared in a newspaper in July 1945.

The Negro Journal of Industry "encourages employers to continue colored workers in jobs they already have—share with them any new ones created—and give their labor a trial in occupations heretofore untried."

"Urges colored workers to merit every bit of this."

The Negro Journal of Industry is owned and published by Milton S. Hampton, Sr., with Milton S. Hampton, Jr., as his assistant.

Knowing the colored people of the South, and being well acquainted with

them, and being a leading paper, this is what this journal has to say:

A look at FEPC. All that glitters is not gold. By Milton Hampton, editor.

This is the way the good colored people of South Carolina, certainly, and of the section from which I come, think about this bill:

Grant the sponsors and campaigners for FEPC have a genuine desire to help Negro citizens, it seems that they have not considered the reaction this piece of labor legislation may bring about. They may be fired with zeal but lack knowledge. It is true that jobs after the war is over is the No. 1 program for everyone interested in the progress of our group. Those who favor this measure continually harp on these two terms: "Discrimination" and "equal opportunity."

Mr. President, in view of what the distinguished Senator from New Jersey [Mr. HAWKES] and the distinguished Senator from Georgia [Mr. GEORGE] said earlier today I read that part of the editorial under the subheading "Discrimination":

DISCRIMINATION

I have it. You have it. We all have it. It is the freedom of choice, we like to use based on qualities that we like or what we think is best for our needs in business, on the job or in the home.

If I ran a dance hall on Beale Street, Memphis, or East Ninth Street, Chattanooga, I wouldn't hire a white bouncer. For in the discharge of his duties he could cause serious trouble. A member of the Baptist Church would hardly vote for a Methodist preacher to pastor his vacant pulpit. The same thing holds true with other members and their church faiths.

Unions themselves strike and raise sand for a closed shop which discriminates against other workers outside of their unions.

The editor has this to say about equal opportunity, Mr. President:

EQUAL OPPORTUNITY

I have an equal opportunity to build me up a newspaper and become its editor. I have an opportunity to found a college and become its president. I have an opportunity to organize a bank or an insurance company, become the chairman of the board and hire Negro vice presidents, cashiers, and stenographers. But when I hanker to enter white people's opportunities I am seeking preferential and not equal opportunity. Build my own place and I can get anywhere in it I want to.

Then the editor proceeds:

FEPC MAY BE JUST WHAT IT "AIN'T"

Men resent force. The "big stick" way is not the right to preserve job security for Negroes or open up new avenues of employment. It can and will cause just the opposite.

The employer dislikes it because it takes from him the right to select his own working force, robs the worth-while worker of a chance for promotion and subjects his business and his workers to the vicious combination of a disgruntled workman and a shyster lawyer.

Middle and working class white people eye it with suspicion wondering whether Negro bosses will be forced over them.

Negro citizens and workers know little and care less about FEPC. They have their own style and method of getting from the "boss" what they want and living in peace with their white neighbors.

DOING PRETTY WELL FOR OURSELVES

Right here in the South we have several all-Negro towns. We manage our own banks

and insurance companies. We operate our own churches, colleges, and business places. We are diagnosing and treating diseases. We are filling prescriptions, pleading law, and serving as peace officers. We are buying our own homes, driving big automobiles, and have sizable accounts in banks.

We are laying brick, nailing houses, plying trades, and even making so much money weekly performing the common jobs of life until many of us will not work as much as we can.

SOUTHERN NEGRO LEADERS SEE TROUBLE AHEAD

The FEPC is not the solution to the race question. But it can contribute an atmosphere out of which may brew racial tension. It is not even a friendly approach to the employment problems of our group. We prefer to put emphasis on our people being the best hand available. Emphasize the job holding and upgrading tactics of being down on time every time. Watch closely how the other fellow above the Negro worker does it, so he will be able to pinch hit for him in an emergency.

A SHORT CUT MAY BE TOO DANGEROUS

Northern brethren: Slow down, watch where you are driving us. The Fair Employment Practice Commission, if passed or enforced with all of its drastic and unfair attitude is filled with inter-racial inflammatory possibilities. You who advocate it are playing with fear and hatred.

You are playing with the loves of thousands of people today and their children tomorrow.

Mr. President, I thought the Senate of the United States might like to know the attitude of many of the colored people, as proclaimed in this able editorial by Milton Hampton, editor of the Negro Journal of Industry.

Mr. BILBO. Mr. President, will the Senator yield?

THE PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Arkansas yield to the Senator from Mississippi?

Mr. FULBRIGHT. I yield.

Mr. BILBO. At this time I am pleased to read into the RECORD a resolution adopted by the Legislature of the State of Mississippi on the 22d of this month. I do so in order that my friends, and enemies as well, shall know whether the course the Senators from Mississippi are pursuing in this fight meets with the approval of the people of Mississippi. By the way, the resolution was adopted unanimously. It states:

The economic and cultural welfare and development of the South and the Nation as a whole requires and demands the defeat of the FEPC measure. . . .

The fight being waged by Senators BILBO and EASTLAND is in the best interest of the welfare of the country as a whole, and is in harmony and accord with the fundamental principles of democracy and the finest traditions of the South.

We believe that the effort of our Senators should be continued—

They need not worry about that—

and extended until they are crowned with the success they so richly deserve, and that for this purpose they should have the encouragement, endorsement, support, and wholehearted backing of every loyal and thinking Mississippian. We do hereby highly commend, indorse, and encourage their aggressive battle to defeat this legislation, and pledge to them our wholehearted support in the continuation of this fight.

Just yesterday morning I received a letter from a gentleman of my State dated January 25, in which he says:

DEAR SENATOR BILBO: I have never voted for you in my life and did not know that I would, but with your present stand on lots of present issues, such as the FEPC and all racial issues, you may change my mind. Also get enough Senators with guts enough to beat the Communist labor racketeers, and so on.

He ends with "Yours truly," and a postscript:

If you need somebody to help you filibuster, send for my wife. She has been filibustering for 20 years.

[Laughter.]

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I want to make a brief statement in reply to the Senator from North Carolina particularly on his constitutional argument. I am sorry he is not here now, but I shall see to it that he learns of my remarks so he can put in any rebuttal he wants to.

The Senator commented on the hind legs of the human race. I am sure he knows the teachings of anthropology and anthropology tells us we have them. I think we should use them in this issue and kick this filibuster out of the Senate and the Senate rules which permit it.

Mr. President, I do want to answer his argument in regard to what he considers to be his obligation under his oath to uphold the Constitution of the United States. I agree we all, as Senators, have the same obligation. However, I think the Senator's argument in its application is highly fallacious. I think the Senator's attention should be called to the fact that the court of last resort in regard to any constitutional question happens to be the judiciary. I do not think we violate our oath of office when we take the position that any legislation coming before the Senate ought to be voted upon in accordance with its merits and not hamstrung by an undemocratic filibuster technique applied under the pretext of supporting the oath of a Senator to uphold the Constitution. If we think any FEPC bill is unconstitutional we should make that argument on the floor of the Senate, but I do not share the view of the Senator from North Carolina [Mr. BAILEY] that because one may think a statute or a proposed statute is unconstitutional that therefore one ought to use the rules of the Senate in a manner which will prevent a majority from voting on the merits of that bill. It is just such thwarting of the majority that the distinguished Senator is aiding and abetting. The Senator from North Carolina well knows that the courts are charged with the final responsibility of sustaining the Constitution. It is their trust and final responsibility to adjudge whether or not the FEPC bill with the amendments we propose violates the Constitution. On the point of the relation of the filibuster to the constitutional oath of office, I am sure the Senator from North Carolina and the Senator from Oregon can no more agree than I can agree with the Senator from Georgia with regard to whether it is proper for us to use the filibuster technique to prevent a vote on the merits of this bill.

All I seek to accomplish by this debate is to point out that the filibuster denies

majority rule in keeping with our constitutional form of government. I say, let us find out whether the FEPC bill, as finally amended and passed, if it is passed by Congress, is or is not constitutional by resorting to the judicial branch of the Government. I do not want the Senator from North Carolina to vote for the bill if he thinks the amended bill is unconstitutional but he has no constitutional right to deny me the right to vote on it because I am convinced that the final bill as proposed by us will be constitutional. What the Senator from North Carolina is trying to do is impose his will upon the majority by preventing a vote on the merits of the bill by use of the filibuster technique. To defend his position by saying that his oath of office to uphold the Constitution as he interprets the Constitution justifies his preventing my voting on the merits of the bill is certainly a glaring non sequitur. I prefer to allow the Supreme Court pass final judgment upon the constitutionality of this legislation when and if it is finally passed with the amendments that I am sure will be passed if the Senate is allowed to vote on the merits.

Mr. BILBO. Mr. President, will the Senator from Arkansas yield for a question?

Mr. FULBRIGHT. Yes; but first I should like to observe that the Senator from Oregon [Mr. MORSE] I want to announce, with the consent of the Chair, that I shall begin speaking tomorrow at noon on the question of filibustering. I want to give the history of it, the benefits of it, and the glory of it, so that perhaps the Senator may not be so strongly against the technique of filibustering in the interest of good government.

I now yield to the Senator from Mississippi for a question.

Mr. BILBO. In response to the observation of my good friend, the Senator from Oregon [Mr. MORSE] I want to announce, with the consent of the Chair, that I shall begin speaking tomorrow at noon on the question of filibustering. I want to give the history of it, the benefits of it, and the glory of it, so that perhaps the Senator may not be so strongly against the technique of filibustering in the interest of good government.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for a moment?

Mr. FULBRIGHT. I yield to the Senator from New Mexico.

Mr. CHAVEZ. I did not quite understand the statement of the Senator from Mississippi. Did he say "glory" or "gory"?

Mr. BILBO. What is the Senator's question?

Mr. CHAVEZ. I did not quite catch the word used by the Senator from Mississippi. I do not know whether he said the "glory" of it or the "gory" of it. What did the Senator say? Did he say "glory"?

Mr. BILBO. From the standpoint of the interest of the people it is glory. From the standpoint of the Senator from New Mexico, by the time we get through with it, it will be "gory."

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. I do not like to take the time of the Senator from Arkansas in the very able discussion he has been making. We are getting rather far

afield on the question of our rights and our responsibilities as Senators, but I want to point out to the Senator from Oregon that some of us here who do not believe in legislating merely by majority rule, under which the majority may work its will on the minority, have some very respectable support and some very respectable precedents.

The founding fathers, when they designed our whole scheme of government, undertook to create a bulwark for the rights of the minorities. They rejected the idea of a pure democracy, in which the majority could lynch the minority at any time it saw fit through the medium of legislative enactment. They accepted a representation in the House of Representatives based upon population; but when it came to the Senate they established what may be called a constitutional filibuster, a bulwark against oppression by a mere popular majority. They provided that every one of the States, whether its population was sparse or great, should have two Senators. Therefore, they set up a bulwark against oppression by a mere majority. I do not concede that a majority of the people of the United States favor this legislation in its present form.

Mr. FULBRIGHT. I do not understand that the Senator from Oregon even pretends that he believes that a majority of the people of the United States are in favor of the bill.

Mr. RUSSELL. I would not concede it even if it were alleged by so distinguished an authority as the Senator from Oregon. If there were any way that the fate of the bill under discussion could be decided on the basis of a pure democracy, by a vote of the majority of all the people of the Nation through a referendum, I would not hesitate for a moment to submit it in its present form, and I would not doubt for one moment that it would be rejected by an overwhelming majority of the people of the United States. All that would be necessary would be to point out two or three of the insidious things which have crept into the bill, in legal verbiage, which would work against the rights of the people of the country, and it would be rejected. But we do not settle legislative matters by popular referendums or polls. When the founding fathers gave to States such as Oregon, which does not have nearly as many people as the State of New York, and to States such as Arizona, Nevada, and New Mexico the same number of Senators as were given to the most populous State of the Union, that was in the nature of a permanent constitutional filibuster against any idea of a pure democracy in this country. To establish the view of the Senator we would be compelled to make population the basis for representation in the Senate.

So I am not impressed with the Senator's idea that any effort of the minority—it may be the minority in this body—to protect their rights is any infringement of the Senator's rights because he happens to be with the majority. The founding fathers, in working out a nice balance in our form of Government, which with all its defects is the greatest the world has ever seen, said that the voice of a State such as Nevada, with less than 150,000 people—

Mr. FULBRIGHT. One hundred and ten thousand people.

Mr. RUSSELL. They said that the voice of such a State should be just as strong on the floor of the Senate as the voice of a State such as New York, with 10,000,000 or 11,000,000 inhabitants.

Mr. FULBRIGHT. Aside from the founding fathers, I think Aristotle had a great deal to say about the iniquities of a pure democracy, the rule of the mob.

Mr. RUSSELL. There has never been a time when it has been attempted when it did not wind up in totalitarianism and tyranny.

Mr. FULBRIGHT. That is correct.

Mr. RUSSELL. We cannot have it without tyranny and totalitarianism.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MORSE. I wish to say to my good friend from Georgia that I marvel at his definitive powers, but I certainly cannot go along with his dual use of the word "filibuster," because I think it is perfectly clear that the constitutional fathers set up the finest form of government in the world for giving effect to majority rule. They provided for no filibuster such as is prevailing in the Senate on this bill.

What has happened is that the Senate of the United States subsequently over the years adopted rules so devised as to permit, through the technique now being adopted in the Senate, keeping from the people the expression, through their legislators, of majority rule. I contend that such a use of the filibuster violates the spirit and intent of representative government under our Constitution.

As to the Senator's point in regard to a referendum, if the Senator will join with me in making it possible for us to have amendments on the merits of the bill adopted, I shall be perfectly willing to let the American people pass on the merits of such a bill, because, contrary to the point of view which the Senator from Arkansas is trying to credit to me, I happen to believe that a fair employment practice bill which is based upon judicial procedure would be favored by an overwhelming majority of the American people.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. My statement related to the pending bill, the measure which we are discussing.

Mr. MAGNUSON. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. MAGNUSON. Let me say to the Senator from Arkansas that I do not wish to give aid and comfort to the filibuster because, like the Senator from Oregon, I am against it. I did not intend to speak on the bill, but perhaps I should occupy a few minutes. There has been some question as to whether or not the majority of the people of the country favor the bill. That I do not know.

Mr. FULBRIGHT. If the Senator had been present during the early part of my remarks and had listened to the debate he would know by this time, because it was perfectly demonstrated, without any doubt.

Mr. MAGNUSON. I have been listening to so much repetition for the past 10 days that I thought it would be well for me to go outside the Chamber and read the newspapers.

Mr. FULBRIGHT. The Senator does me an injustice.

Mr. MAGNUSON. When I was elected to the United States Senate I conceived it to be my duty to do my best to represent what I believe to be the majority opinion in my own State.

Mr. FULBRIGHT. May I ask the Senator why the State of Washington turned down the FEPC?

Mr. MAGNUSON. My State never turned down the FEPC.

Mr. RUSSELL. I have heard that the bill did not even emerge from committee, that it was introduced in the legislature, and the committee did not even think enough of it to report it.

Mr. MAGNUSON. There was a Republican majority on that committee, and the Republicans in my State are pretty conservative. The will of the majority of the people of the country is not necessarily reflected by what a committee in Congress does, or what a committee in a State legislature does. I conceive it to be my duty to represent the vast majority of the people of the State of Washington. The majority of the people of the State of Washington, as well as the State of Oregon—those are the only two States with respect to which I have any information—are in favor of the bill. The people of my State would like to have me put the State on record. That is all I will say in aid of the filibuster.

Mr. FULBRIGHT. If the vast majority of the people of the Senator's State favor the passage of this bill, it is exceedingly difficult to understand why they do not control the legislature. That is a very unusual circumstance.

Mr. MAGNUSON. It is not unusual. That is what is happening in the Senate. What is happening in the Senate is exactly what happened in my State. A small minority, which did not represent the majority, blocked the bill in the State legislature.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RUSSELL. The Senator from Washington may impeach his own general assembly on this floor if he desires to do so, but I venture to say that the members of the legislature of the State of Washington are just as patriotic and earnest in their efforts to protect the rights of the people of that State as is the Senator from Washington. I served for 10 years in a State legislative body, and I have served as a Member of this body for approximately 13 years. I say that Senators make a mistake when they seek to arrogate to themselves all the wisdom and all the desire to serve that there is in the United States. Members of the general assemblies of the several States of the Union—and I say that without knowing personally a single member of the Washington Legislature—are more deserving than to be criticized on the floor of the United States Senate as being negligent in doing their duty in the public welfare of the people of their States.

Mr. FULBRIGHT. I believe the Senator from Washington has been in Washington, D. C., almost continuously for 6 or 8 years, except during election periods. I think it is quite reasonable to believe that those who have been in the State legislature of Washington all that time are as well acquainted with the public opinion in that State as is any Senator. That is no reflection on the Senator from Washington individually. That statement applies to anyone who has been away from his State so long as the Senator has.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield for a question.

Mr. MAGNUSON. I merely wish to say to the Senator from Georgia that I have criticized the same committee publicly on many occasions in my own State, and on the floor of the Senate.

Mr. RUSSELL. Cannot the majority of the State legislatures take a bill away from a committee if it wishes to do so?

Mr. MAGNUSON. I think it can.

Mr. RUSSELL. The Senator has certainly been criticizing the majority.

Mr. MAGNUSON. The majority cannot easily do so here.

Mr. RUSSELL. Not without considerable discussion.

Mr. MAGNUSON. In our State the legislature is limited by law to a 60-day session every 2 years; and unless a bill can be taken away from a committee within 60 days, it can never be taken away. The State legislature meets only every 2 years, for 60 days.

However, let me say that I have criticized that same committee both publicly and privately. I am not unduly criticizing it on the floor of the Senate. I believe that it misconstrued the will of the majority of the people of my State. As for myself, I believe that the overwhelming majority of the people of my State favor this bill. Therefore I must follow the will of the majority, even though I may not share their opinion. In this case the opinion of the majority happens to coincide with my own personal opinion. I merely wish to place my own State on record, because unless we can reach a vote on this question I think it is my duty to place my State on record.

Mr. FULBRIGHT. Mr. President, the Senator has raised the question of motives. Does the Senator believe that it would be appropriate to have a committee of the Senate examine each of us and decide whether or not a Senator is voting in accord with the views of the majority of the people of his State? That is the philosophy of the bill. Does the Senator believe that it would be appropriate to conduct an examination to determine whether or not a Senator is voting in accordance with the majority opinion in his State?

Mr. MAGNUSON. I believe that the Senator from Arkansas attributes good motives to all Members of the Senate. During the early part of the debate on this bill I listened to speeches attributing political motives to those supporting the bill. I will say to the Senator from Arkansas that, so far as concerns certain blocs of votes in my State, this measure has no political significance.

I do not believe that one-tenth of 1 percent of the population of my State would be affected by the bill. Probably not one-tenth of 1 percent of the population of my State consists of Negroes, Jews, or members of the other minority groups which have been referred to.

Mr. FULBRIGHT. The Senator knows that the reason why we attribute good motives to all Senators is that actually there is no criterion to determine the motives of any Senator.

Mr. MAGNUSON. Of course not.

Mr. FULBRIGHT. That sort of procedure is what is sought to be imposed by the bill. It is sought to impose penalties, fines, and imprisonment based upon the determination of motives by a group operating from Washington. That is actually the essence of the bill.

Mr. MAGNUSON. We are merely trying to minimize those who may have bad motives.

Mr. FULBRIGHT. That is the defect in the bill. While I recognize some constitutional objection, my principal objection to the bill is that it involves determination by a commission of a question which is not subject to proof, and it involves a relationship which, if we meddle with it by a threat to determine the question by force, will be made much worse than it is. I regret that the Senator was not present earlier in the afternoon, when we discussed the analogy with labor relations, in which the Senator is interested. I believe the Senator will agree that the same philosophy will apply later in the discussion of whatever bill comes from the Committee on Education and Labor. Every witness who has appeared has agreed on the fundamental theory that force cannot successfully be used in such a relationship. It will do more harm than good if an attempt is made to use it.

Mr. President, I have now taken more time than I intended to take. I appreciate the assistance I have received in this discussion from the Senator from Washington, the Senator from Oregon, and other Senators. According to the clock, I have been much more successful than I ever dreamed I would be, at least within 10 years! [Laughter.]

There are one or two points which I should like to make in order to sum up my part of the discussion. First, I wish to refer to a statement made in a speech in the House of Representatives. We have had considerable to say about the House of Representatives, and at this time I should like to point out that on April 23, a Representative from my State, Representative HAYS, stated the situation in just a few words, as follows:

This bill is different. What is prescribed is so bound up with delicate human relations that it may be said if the bill passes we are for the first time in history legislating against a mental attitude.

Mr. President, I think that is quite a good characterization of what is attempted to be done by the pending bill.

Recently the editorial columns of one of the leading newspapers of Washington, if not the leading newspaper of this city—the Washington Post—has taken a very strong stand on the pending bill. However, I find that on March 20, 1945,

a writer—Mr. Merlo Pusey—whose articles have appeared in the Washington Post over a long period of time, had the following, among other things, to say about the FEPC bill.

But sponsors of the bill now most actively before Congress go far beyond education in this field and assurance of bargaining representation for minority groups. They insist that a Fair Employment Practice Commission be assigned the impossible task of uprooting discriminatory practices by force. The proposed FEPC would be authorized to summon employers before it on charges of refusing to hire, of discharging, or otherwise discriminating against a person because of his race, creed, color, national origin, or ancestry. Employers found guilty of such unfair employment practices could be ordered to desist and those orders could be enforced in the courts. Back pay to persons so discharged could be ordered and employers could be forced to hire individuals against whom such discrimination had been practiced.

One difficulty with this procedure is, of course, the impossibility of determining whether racial or religious discrimination exists. If a Catholic applies for a job and a Protestant is hired, the former is likely to feel that he has been discriminated against. On what basis could a Federal agency decide such a dispute? The issue would be more clear-cut if a minority group were wholly excluded by an employer. But after that initial barrier had been broken down, where would the proposed FEPC draw the line? Would the employment of five Negroes and 500 whites in unskilled work in Washington be evidence of racial discrimination? There is no reasonable criterion that can be applied, short of an invidious quota system.

Mr. President, that seems to me to go to an inherent defect in the entire approach to this problem.

In concluding my remarks I should like to sum up the various objections to the pending bill. It seems to me that the objections to the proposed procedures, the objections based on the desirability of having a trial by jury, and the objections as to lack of constitutionality may well be brought into the discussion and are appropriate to it, but the principal point which to my mind is significant is that the type of relationship involved, simply is not subject to rational or reasonable regulation, especially when it is accompanied by force. I think it is akin to regulation in the field of education and religion, and it is somewhat equivalent to saying that we are against sin. All of us agree that we are against discrimination; there is no difference of opinion as to that. The question is, What are we going to do about it? To my mind, that is the basic difficulty in approaching the problem. It seems to me that the proper approach is as difficult to determine as is the proper approach to the problem of management-labor relationships, with which the Senator from Oregon [Mr. MORSE] has had long experience.

I sincerely hope that in spite of the insinuation that a minority is attempting to thwart the will of the majority, the Senate will not pass this bill. I repeat that from the evidence in regard to the action of the State legislatures, I am firmly convinced that a majority of the people of the United States are not in favor of this bill.

INVESTIGATION OF STARVATION CONDITIONS IN EUROPE

Mr. WHERRY. Mr. President, I ask unanimous consent to submit a concurrent resolution sponsored jointly by the Senator from Indiana [Mr. CAPEHART], the Senator from New Jersey [Mr. HAWKES], the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Iowa [Mr. HICKENLOOPER], the Senator from Ohio [Mr. TAFT], the Senator from Indiana [Mr. WILLIS], and myself; and I extend to all other Members of the Senate an invitation to add their names as co-sponsors of the resolution.

I now ask unanimous consent that the resolution be read.

There being no objection, the resolution (S. Con. Res. 51) was received, referred to the Committee on Foreign Relations, and read, as follows:

Whereas reports reaching the United States from both Europe and Asia now indicate that the policies of the victor powers are subjecting millions to mass starvation; and

Whereas the United States has been a party to the commitments and agreements reached among the victor powers which have led to these conditions; and

Whereas the Congress has been bypassed and the American people have been ignored in the formulation and implementation of these policies; and

Whereas it is essential that the Congress of the United States should obtain the necessary information to enact legislation and to request the President to take executive action designed to eliminate the starvation conditions resulting from the policies for which this Government is directly responsible; Therefore, be it

Resolved by the Senate (the House of Representatives concurring), That a joint congressional group to be composed of six Members of the Senate (three from the majority party and three from the minority parties) appointed by the President of the Senate and six Members of the House of Representatives (three from the majority party and three from the minority parties) appointed by the Speaker of the House of Representatives is authorized and directed to make an official visit to Germany and such other places in Europe as may be necessary for the purpose of enabling it to make studies and obtain information with respect to existing conditions in Germany and action which may be taken by the President or the Congress to improve such conditions. The joint congressional group shall make a report to the Congress at the earliest practicable date but not later than 1 month after the adoption of this resolution with respect to such conditions and its recommendations for legislative or other action designed to improve such conditions. For the purpose of this resolution, the joint congressional group is authorized to employ and pay the expenses of such experts, and such clerical, stenographic, and other assistants, to sit and act, to hold such hearings, to administer such oaths, to take such testimony, and to make such expenditures, at such times and places within or outside the United States, as it deems advisable. The expenses incurred under this resolution shall not exceed \$25,000, and shall be paid one-half from the contingent fund of the Senate and one-half from the contingent fund of the House of Representatives, upon vouchers approved by the chairman of the group.

Mr. WHERRY. Mr. President, I think a word of explanation should be made of the resolution which has just been read at the desk. The resolution is really self-explanatory, but I wish to say that I feel that no proposed legislation

now pending before any committee of the Senate should receive more prompt or immediate attention than this resolution should receive at the hands of the committee to which it has been referred and from the Members of the Senate of the United States. Because of the business pending before the Senate and particularly because of the part I have played in attempting to bring the pending measure before the Senate, it is with some hesitation that I have arisen this afternoon to take a few minutes to explain the resolution. Yet I feel that the subject of the resolution is important, and that I should at least explain what is attempted to be done by means of the resolution. I hope the Members of the Senate will agree with me that after the resolution has been considered by the Foreign Relations Committee and has been reported to the Senate, it should be promptly approved by the Senate.

I repeat that I should be glad to have any Member of the Senate who cares to do so sign the resolution as co-sponsor. The resolution is at the desk.

Mr. President, much has been said, and little has been done relative to opening the mails to Germany, and providing sufficient food to prevent mass starvation in Germany, Austria, Italy, and other countries of Europe. Terrifying reports are filtering through the British, French and American occupied zones, and even more gruesome reports from the Russian occupied zone, revealing a horrifying picture of deliberate and wholesale starvation.

The administration, and the personal advisors and investigators of the President, concur in the judgment, that a major tragedy is rapidly developing in Europe. But in answer to a rising chorus of pleas for intercession and action, the administration has excused its "do nothing" policy on the following grounds:

A. The President told me that UNRRA was doing the job. But I am assured by Government authorities that UNRRA is feeding only the displaced persons in Germany and Austria. Governor Lehman has recently admitted that, with all the billions of dollars we have appropriated for UNRRA, mass starvation cannot be averted this winter in Europe.

B. Time and again the administration has advanced the excuse that transportation facilities were lacking, but for months scores of ships have been lying idle in both eastern and European ports. So it is not a question of the lack of ships.

Furthermore, hundreds of thousands of GI's in Europe are apparently sentenced to enforced idleness for want of something to do. Millions of dollars' worth of surplus trucks and jeeps are falling apart in their open-air garages in Europe.

Such trucks and jeeps assure adequate transportation if the administration would only give the word.

C. The argument has been advanced that we have reached the capacity of our ability to help, but the truth is that there are thousands upon thousands of tons of military rations in our surplus stock piles that have been spoiling right in the midst of starving populations.

D. The administration has attempted to justify its deliberate starvation policy in Germany by asserting:

First. That Germany's standard of living must be kept this first winter below the standard of living of every other Allied country in Europe.

Second. That the United States has solemnly pledged herself not to move a man, or an ounce of food, or medicine, or clothing without the specific consent of our alleged peace-loving allies.

Mr. President, I submit that these last two excuses serve only to darken the horror of the over-all picture in Europe. If Germany has been deliberately starved, merely to keep her standard of living below that of other European countries, the whole European situation must have by now become a frightful nightmare.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. RUSSELL. The Senator referred to UNRRA. Is the Senator discussing the plight of the displaced people in Germany or of the German nationals?

Mr. WHERRY. I may say to the distinguished Senator from Georgia that I am discussing the plight of the German nationals who live not only in the zone occupied by our military forces, but also in the zones occupied by the military forces of our allies. I did not, however, mention UNRRA because, as I was told by the President of the United States, UNRRA has been feeding the German nationals in the occupied zones.

I may say further that I have been reliably informed—and I thought I knew, because I was in Europe for a while—that if UNRRA is feeding anyone it is not the German nationals in the occupied zones.

Mr. RUSSELL. I happened to be present at a meeting of the Appropriations Committee when Governor Lehman, the head of UNRRA, appeared before the committee and stated that it would be illegal for UNRRA to give as much as one crumb to any one of the German nationals.

Mr. WHERRY. Yes.

Mr. RUSSELL. Governor Lehman said that he would be allowed to feed displaced persons in Germany, but it would be contrary to the constitution of UNRRA and contrary to law to extend any aid at all to German nationals.

Mr. WHERRY. Yes.

Mr. RUSSELL. Inasmuch as the head of UNRRA was advocating large expenditures of the funds of UNRRA in order to provide for Italian nationals, Italy having been one of our enemies, as was Germany, in the recent great war, I asked him why it was that he could take care of the needs of sick persons, babies, and mothers in Italy but was powerless to do so in respect to the people in Germany. He, or at least one of the representatives of UNRRA, stated that it was because the Council of UNRRA had adopted a resolution to the effect that UNRRA would extend aid to Italy, a country which, as I recall, declared war on us on the same day that Germany declared war on us, but that it was utterly powerless to render any aid to the German nationals.

Mr. WHERRY. I thank the distinguished Senator from Georgia for his contribution. I may say that I happen to be a member of the Appropriations Committee. I heard the statement to which the Senator has referred. It was difficult for me to understand why we were feeding through UNRRA people in Italy, Italy having been an enemy of ours during the early period of the war, and at the same time denying aid to the women and children of Germany who were starving by the thousands.

One of the reasons why I wish to bring this matter before the attention of the Senate is that somehow or other the people of this country have the idea that UNRRA is feeding German nationals. Not all of them believe so, but I have received many letters to the effect that the writers of the letters felt that the German nationals were being fed, and urging that Congress vote additional appropriations in order that UNRRA may continue to take care of the situation. However, UNRRA is not feeding German nationals. UNRRA does not reach them. I appeal to the Senate to vote for an increase in the calories to be given the people of Europe. Moreover I may say that there are thousands of Americans who wish to send food and clothing to German nationals in the occupied zone, but have been denied the right of doing so because the mails have not been opened up even though the war terminated many months ago.

Mr. SHIPSTEAD. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. When Governor Lehman was present before the committee he told us that under the United Nations Organization UNRRA was not permitted to give anything to the German people.

Mr. WHERRY. The Senator is correct.

Mr. SHIPSTEAD. I am informed that to some extent the British are furnishing aid, but I do not know to what extent.

Mr. WHERRY. The British have broadened their policy, and they are now feeding in their own zone—at least I have been so informed—some of the persons about whom we are speaking. But I believe that once and for all the American people should understand distinctly that UNRRA is not feeding German nationals within the American occupied zone, and that it is not being done because of the basis upon which UNRRA was founded.

Mr. CORDON. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. CORDON. Mr. President, assuming that the international relief organization known as UNRRA has taken the unusual position which has been indicated through its Council, and is feeding one of our late enemies while denying food to the other who was no greater an enemy, and both of whom had to be conquered—assuming that such an incongruous situation exists, is there still any reason why this Government cannot, through its military occupation forces, take care of those who are actually starv-

ing in any area over which our occupation forces have jurisdiction?

Mr. WHERRY. There is no reason of which I know why the American military forces in the occupied zone cannot distribute food, providing that to do so would be in keeping with the policies of the administration. That would be my answer to the Senator from Oregon. But UNRRA, of course, could not do that unless some directive were issued or some action were taken by Congress to permit the legal feeding of German nationals through UNRRA agencies.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. HAWKES. I merely wish to say to the distinguished Senator from Nebraska that it is not the policy of this Government to feed German nationals at the present time. I have just sent to my office, after hearing the Senator's preliminary remarks, for a letter from President Truman to me in response to a very definite appeal I made to him to help keep the women, babies, and children and the old men and women of Germany from starving. I have the President's letter, and I have a letter also, for which I have sent, from Mr. Brunot, who has charge of American relief, and both the President and Mr. Brunot tell me the same thing, that we cannot feed the nationals of Germany or of other countries which were opposed to us in the war, and that it would not be compatible to do so under the conditions and in view of the requirements and the available food-stuffs.

I think I had better let the letters speak for themselves, but the general tenor of them—and that is what the Senator is looking for—is that the policy of the United States today is not to feed German nationals, and certainly if it is the policy of the President of the United States, and those in authority in these important organizations, it must be the policy of the Army.

Mr. TAFT. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I wish to thank the distinguished Senator from New Jersey, and if he would like to have the letters in the Record, I should be glad to have them placed in the Record.

I yield now to the Senator from Ohio.

Mr. TAFT. I cannot agree with what has just been said, because under international law it is the duty of occupying armies to assume responsibility for the feeding of the nationals in the occupied areas. I happen to know that we have been feeding the Austrians in the occupied area of Austria, because only a month or so ago we had a general before us who had been in charge of it.

In his recent message the President said that \$600,000,000 of the money requested for the Army was for the purpose of feeding the populations of occupied areas. So I think there must be some misunderstanding about the duties assumed. I think there must be some action on our part, which is being taken.

Mr. WHERRY. I wish to thank the distinguished Senator from Ohio for his remarks. The desirability of what I am seeking to have brought about by the

Senate is proved by the fact that there are so many conflicting reports. What I should like to see is a visit to Europe by a nonpartisan committee of the Senate and the House, to make an investigation on the ground, and ascertain what is going on and what is needed. That is the purpose of the resolution.

Mr. EASTLAND. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. EASTLAND. The Senator from Ohio stated that we were feeding German nationals in the zone occupied by the American Army. That is true in a sense, but we attempt to maintain a diet of only 1,550 calories a day, which is a starvation diet, and because of which thousands of people will starve to death.

Mr. WHERRY. I thank the Senator from Mississippi. I shall make a statement later in my remarks as to the feeding and the calories, and I think the facts will be brought out clearly.

Mr. EASTLAND. Will the Senator yield further?

Mr. WHERRY. I yield.

Mr. EASTLAND. I may say further that Mr. Morgenthau, who is a leader in a program which I think is aimed at the destruction of the German people, even takes the position that the women and children of Germany should be fed, and be fed by us. I cannot understand the policy of our Government which would permit widespread starvation and malnutrition in Germany.

Mr. WHERRY. I thank the Senator. Mr. BUSHFIELD. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield to the distinguished Senator from South Dakota.

Mr. BUSHFIELD. I read a news item in the press last week in which the statement was made that we had sent to Germany 600,000 tons of food. Does the Senator know anything about that?

Mr. WHERRY. I am not informed about that statement. A published report came out, which I shall mention in my remarks, which showed that some provision for clothing for aged people, some additional supplies for women, and for children under the age of 10, had been made. To my knowledge I have not seen the article referred to by the Senator from South Dakota.

This situation in Europe, Mr. President, means a terrible burden and responsibility has been placed squarely on our shoulders for the very policies which this Government has pursued since the war ended. England cannot feed Europe. She can barely keep herself alive. France has just been compelled to cut her own bread ration. Italy is starving to death. In Russia, from twenty-five to fifty million people are starving. The Russian Army in central and eastern Europe is compelled to forage off the land for its subsistence, if reports coming to us are true. The worst drought in 50 years has cut Europe's indigenous food supplies in half. All Europe now turns to America for help. Certainly the least we can do is open up the mails and let the people of this country, who would like to extend charity to the peoples of Europe, be permitted to do so. That can be done without expense to the Government at least

for the purchase of the food and the clothing.

Mr. MILLIKIN. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. MILLIKIN. I have been looking into a number of phases of this matter, and I am told that at the present time there is a committee representing many charitable organizations in this country which is conducting an investigation in Europe, with the end object, if it can be accomplished, of allowing the religious and philanthropic and other organizations in this country to channel through some kind of organization into Germany and other countries of Europe the relief which may be donated, and to see that it is fairly distributed over there. It strikes me as a shocking thing, if the food is available, and we can take care of those who fought with us, and then pursue the very policy of starvation for which we condemn this conquered enemy. We do not have to ape our enemy to complete his long term defeat.

Mr. WHERRY. I am in total agreement with the distinguished Senator from Colorado. I think he has given the whole message in just one sentence, and I appreciate it very much.

I should like to say, in response to the statement about the organizations which have gone to Europe, and are being sent there, that this has taken place over a period of months. Some are over there and some are going. The fact is that while they are making investigation, conflicting reports are coming back, and I feel that the time has arrived when the Congress of the United States—because it is its responsibility—should have a nonpartisan committee go to Europe and make an investigation on the ground, and report, so that the Senate can determine what is needed and take appropriate action.

Mr. MILLIKIN. Will the Senator yield further?

Mr. WHERRY. I yield again.

Mr. MILLIKIN. I should like to emphasize the very thing the Senator is saying. I have conveyed to interested people of my State the information about the calories that are supposed to be given to the people of the occupied countries. My mail is a series of affirmations and denials. At this moment I cannot make up my mind whether we are maintaining those people over there on a maintenance diet or on a starvation diet, because the evidence is so conflicting.

Mr. WHERRY. What the Senator has said I know to be true of most of the Senators who are receiving mail on this subject.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. EASTLAND. We have tried and condemned to death Germans for committing atrocities, some of which involved starvation. I think we justly did that. Does not the Senator think we are guilty of an atrocity ourselves when we permit mass starvation, or when we permit the starvation of our conquered enemy?

Mr. WHERRY. Certainly; and I thank the Senator for his question.

In presenting this resolution, Mr. President, I have in mind a congressional commission which went to Europe to investigate political prisoner camps in Germany, and other congressional committees which have gone to Europe, one of them including the distinguished Senator from Mississippi [Mr. EASTLAND] who made a thorough investigation of the subject which the congressional commission of which he was a member was charged to investigate.

Mr. President, I have one particular committee in mind. It will be remembered that on April 22, 1945, conflicting stories were coming through of the atrocities which had been and were being committed. Some said they were being practiced against our own men. I think one of the greatest things General Eisenhower did was to send a request to the President to see to it that an impartial congressional committee went to Europe to investigate atrocities which were alleged to have been committed.

With the 11 other members of that committee I inspected the atrocity camps in Europe. We visited Buchenwald, we visited Dachau, we visited Camp Dora. We went on the ground and made a personal investigation and brought back a report. I need not repeat what has been said on so many other occasions, of the horror and revulsion experienced as we viewed the scenes of human degradation and bestiality. The report drawn up by the committee under the chairmanship of the distinguished majority leader, the Senator from Kentucky [Mr. BARKLEY] unanimously recommended the trial and punishment of everyone directly responsible for these crimes.

This report was not only unanimously offered, it was unanimously received by the Congress and the American people.

I think that committee rendered a real service, not only to the Congress but to General Eisenhower, the President, and to the American people, by the information it brought back.

I never dreamed that I would see the day when my own Government—as has been done this afternoon—would be accused of similar crimes against humanity. I never dreamed of such a thing.

For long months now a rising torrent of incriminating evidence and data has been pouring into America which marks this administration as the party responsible for directives and policies which have brought a world catastrophe hard upon us.

The terrifying truth is that if this evidence even approximates the truth, the American people have been made accomplices in the crime of mass starvation. The American conscience, when aroused by the full knowledge of the facts, cannot and will not rest until it compels our elected servants, from the President down, to redeem this country's honor through a complete reinterpretation of American principles, both in policy and in practice. The heart of America, whatever else this administration and its inner circle of advisers may think, is not rotten.

II. THE RECORD

Has not the President been sufficiently warned of the terrible mistakes involved

in the policies he was and is pursuing? As far back as 1942 a bitter rivalry between Mr. Morgenthau's henchmen in the Treasury Department and representatives in the War and State Departments ought to have been sufficient warning to the President there was something wrong with Mr. Morgenthau's grossly inaccurate and savage plan for the pastoralization of Germany.

Surely the knowledge that Mr. Morgenthau finally won his battle in March 1945 and forced the incorporation of his plan into the now infamous document C. J. S. 1067, despite the repeated warnings and violent opposition of Mr. Stimson and of many high officials in the State Department, was available to President Truman. This knowledge ought to have prepared him for at least the possibility of the break-down of the Morgenthau plan. At least, such violent opposition ought to have compelled the creation of adequate safeguards should the Morgenthau plan collapse.

Furthermore, President Truman failed at Potsdam to win British and Russian acceptance of the Morgenthau plan as a basis of a unified policy for the whole of Germany. That is most significant. But in the face of this he went ahead even though he was warned time and time again by expert authorities and advisors of the utter impracticability and absurdity of the Morgenthau plan.

A. CRITICISMS OF THE POLICIES

Last September a group of American economists under the direction of Mr. Calvin Hoover made a detailed analysis of the potential effect of Mr. Morgenthau's directives on the German people. This report was delivered to Brig. Gen. Lucius Clay during last September and has not yet been released to the American people. I have read that report, and while I am still prohibited from giving its findings to the American people, it is within the bounds of propriety for me here to assert that these findings would frighten anyone, even the President, into a realization of the consequences that were sure to follow.

On October 28 Prime Minister Ernest Bevin stirred the House of Parliament in one of the most moving debates ever there recorded. In the midst of the savage destruction wrought by V-bombs in the heart of a nation which for 5 years had sacrificed, suffered, and died to repel and finally to conquer a ruthless enemy, Mr. Bevin pleaded in the name of humanity for Russia and America to change their policies and their practices and to minister immediately to the staggering human needs in Germany. Said Mr. Bevin, in speaking of this spectacle of human misery which he had just gazed upon personally:

As I watched I felt, my God, that is the price of man's stupidity and war. It was the most awful sight you could possibly see.

On November 12 Gen. Bernard L. Montgomery in charge of the British zone repeated his warning of October 2, namely, that:

I am not prepared to see widespread famine and disease spread through Europe as it will if we permit hundreds of thousands of Germans to die.

General Montgomery warned the whole world:

It is impossible to estimate what will be the effect of the shortage of food and fuel under the rigorous conditions of the central European winter.

On November 12 Felix Morley and Frank Hanighen revealed in *Human Events* a few of the terrifying facts and figures that had been compiled by American economic experts, who in their report stated that less than 50 percent of Germany is now self-sufficient and imports of food are negligible. The report states:

In short, Germans and other inhabitants of occupied zones will take to banditry in order to obtain food. General Eisenhower's warning on this subject was designed to relieve the Army of responsibility for the results of Potsdam and the Morgenthau plan.

In the same week a report on Germany signed by all 18 members of a House committee, which had visited Europe under the chairmanship of Representative CORMER, Democrat of Mississippi, contained the following ultimatum to the President:

If a hard peace requires the elimination of 8,000,000 to 10,000,000 Germans, it would be much more humane to eliminate them at once. The committee cannot refrain from asking the simple question, "What incentive under this plan exists for Germany to turn to democratic ways?"

Mr. President, I agree with that statement. Some Senators, including myself, who witnessed starvation conditions in Europe, so devastating in their effect that we saw adult human beings who did not weigh even 60 pounds, have some idea of the results of the long days of suffering people go through over there now.

Mr. SHIPSTEAD. Mr. President, will the Senator yield to me?

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. I have in my hand a copy of an article published in the *New York Times* of November 18. The article was written by Mr. Sulzberger, manager of the *New York Times*, on the basis of a dispatch from Europe. With the Senator's permission I should like to read a portion of the dispatch.

Mr. WHERRY. I yield.

Mr. SHIPSTEAD. I read:

Europe faces one of its bleakest winters since the chaos of the Thirty Years' War. More than 20,000,000 homeless and desperate persons are now milling east and west, north and south across the Continent.

Germans, Poles, and Czechs pour into the devastated Reich to escape the slavery of the Russians in the occupied section of Germany. Hungarians trudge into the Pannonian Plain. Hundreds and hundreds of thousands of former Nazi slaves crowd into freight cars and trucks and rusty ships on uncertain voyages to their uneasy homes. The Apocalyptic Horsemen are once again trampling Europe whose vital energies alone have saved it time and again from their deadly hoofprints.

I quote further from the same dispatch:

The freedom for which so many nations fought is far from evident. Dictatorships succeed dictatorship. In great areas faith has disappeared but nothing new arises to fill the vacuum.

Mr. WHERRY. I thank the distinguished Senator from Minnesota for his contribution.

I continue with the record of policy. I am going through the record of policy.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. HAWKES. I have sent for the letter from President Truman to me, which is dated December 21, 1945, and I am going to ask unanimous consent to have the letter in its entirety printed in the *RECORD* as a part of my remarks, because I believe it belongs there. I wish to show Senators that the statement I made a few moments ago is absolutely correct, by reading the last two paragraphs of the letter:

While we have no desire to be unduly cruel to Germany—

The use of the word "unduly" would leave the impression that we might be a little cruel; how cruel it does not say—

I cannot feel any great sympathy for those who caused the death of so many human beings by starvation, disease, and outright murder, in addition to all the regular destruction and death of war.

I should like to interject there on my own behalf that no right-thinking American can feel any great sympathy for those who caused starvation, disease, and outright murder. But there are millions of people in Germany who had no more to do with what Hitler did than I have had to do with what the New Deal has done in the United States of America.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MILLIKIN. I should like to suggest to the senior Senator from New Jersey that it is not a question of having sympathy with the Germans; it is a question of having sympathy with our own civilized principles.

Mr. HAWKES. And with humanity. I proceed with the reading:

Perhaps eventually a decent government can be established in Germany so that Germany can again take its place in the family of nations. I think that in the meantime no one should be called upon to pay for Germany's misfortunes except Germany itself.

Until the misfortunes of those whom Germany oppressed and tortured are obliterated, it does not seem right to divert our efforts to Germany itself. I admit that there are, of course, many innocent people in Germany who had little to do with Nazi terror. However, the administrative burden of trying to locate those people and treat them differently from the rest is one which is almost insuperable.

I leave it to the Senate whether that substantiates what I said earlier in my remarks.

Mr. President, I ask that the letter from the President may be printed in full at this point.

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

THE WHITE HOUSE,

Washington, December 21, 1945.

HON. ALBERT W. HAWKES,

The United States Senate,

Washington.

DEAR SENATOR HAWKES: Thank you for your letter of December 14.

I am sure you understand that the postal system and the communication and transportation systems of Germany are in the state of total collapse. It has so far been im-

possible to set up any general integrated postal system for the whole of Germany.

While the situation in this respect in the American zone is better than in other zones, there is as yet no possibility of making deliveries of individual packages in Germany. No date has been set as to when the controlling Allied authorities will be able to permit the resumption of mail service to Germany.

Our efforts have been directed particularly toward taking care of those who fought with us rather than against us—Norwegians, Belgians, the Dutch, the Greeks, the Poles, the French. Eventually the enemy countries will be given some attention.

While we have no desire to be unduly cruel to Germany, I cannot feel any great sympathy for those who caused the death of so many human beings by starvation, disease, and outright murder, in addition to all the regular destruction and death of war. Perhaps eventually a decent government can be established in Germany so that Germany can again take its place in the family of nations. I think that in the meantime no one should be called upon to pay for Germany's misfortunes except Germany itself.

Until the misfortunes of those whom Germany oppressed and tortured are obliterated, it does not seem right to divert our efforts to Germany itself. I admit that there are, of course, many innocent people in Germany who had little to do with Nazi terror. However, the administrative burden of trying to locate those people and treat them differently from the rest is one which is almost insuperable.

Very sincerely,

HARRY S. TRUMAN.

Mr. HAWKES. Mr. President, I ask unanimous consent to have printed at this place in the *RECORD*, with the consent of the Senator from Nebraska, a letter dated December 18, 1945, from James Brunot, Executive Director, the President's War Relief Control Board, Washington.

There being no objection, the letter was ordered to be printed in the *RECORD*, as follows:

MY DEAR SENATOR HAWKES: I wish to acknowledge and thank you for your letter of December 14.

I should make clear the fact that the question of opening the mails to Central Europe for letters and parcels is one with which this office has no direct concern.

The aspect of the German relief situation which is within our responsibility is that involving the solicitation of contributions for German relief by private relief agencies. On this aspect of the question there are several developments about which you may have been informed.

On December 5 the Department of State forwarded the following statement to us:

"The Department of State has recently reconsidered its policy with respect to private relief activity on behalf of German civilians and is now prepared, in principle, to approve such activities provided United States military authorities in Germany find it possible to make available the facilities necessary to the reception and distribution of relief supplies collected in the United States and shipped to Germany. If United States military authorities in Germany inform us that such arrangements can be made, the President's War Relief Control Board will presumably be able to entertain applications from private relief agencies in this country to engage in this type of relief activity."

At a meeting in the Department of State on December 6 with representatives of the War Department as well as this Board, it was agreed that a delegation representing the American relief agencies interested in Germany would be permitted to go immediately to the American zone to explore and plan re-

relief services in coordination with military government and indigenous agencies in Germany. The relief agencies concerned, which include most of the church-sponsored war relief organizations registered with this Board, have nominated a delegation of three persons to be joined in Germany by four others who already are there working with displaced persons. It is our understanding that the Department of State and the War Department expect this delegation to go forward immediately.

Meanwhile, a legal question has been raised as to the status of relief activities in Germany under the terms of the Trading With the Enemy Act. The President's War Relief Control Board has requested an opinion from the Attorney General as to the propriety of authorizing relief activities for Germany in view of the provisions of that statute.

Sincerely yours,

JAMES BRUNOT,
Executive Director.

Mr. HAWKES. Mr. President, I call attention to the fact that what they are trying to do there is to see to it that opportunity is afforded Americans of German extraction in this country to collect funds and clothing and food and medicine, and then be permitted to send the money and other articles over there to relieve their families, relatives, and friends in Germany.

He goes on to say that the question whether these things can be sent to Germany is being reconsidered. He concludes the letter by saying:

Meanwhile, a legal question has been raised as to the status of relief activities in Germany under the terms of the Trading With the Enemy Act. The President's War Relief Control Board has requested an opinion from the Attorney General as to the propriety of authorizing relief activities for Germany in view of the provisions of that statute.

This question is being discussed all over the United States, while in Germany children, old men, and women are dying of starvation and being buried. What good will it do for the Attorney General to give an opinion next August on whether we can feed these people in the month of January 1946? That is what the distinguished Senator is talking about.

Mr. WHERRY. That is correct.

Mr. HAWKES. I say now, as I said in the Senate 60 days ago when I wrote these letters, that if we do not do the humane, decent thing which lies within our power, there will be a stigma and blemish on our national escutcheon for all time.

Mr. WHERRY. That is correct.

Mr. HAWKES. I thank the distinguished Senator.

Mr. WHERRY. I thank the distinguished Senator from New Jersey for bringing these arguments to the attention of Members of the Senate, and for the contribution which he has made personally relative to his feelings in the matter.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MILLIKIN. As to the legal inquiry which is being made, I suggest that the distinguished senior Senator from Ohio [Mr. Tamm] announced the controlling doctrine. When we go into occupation in a country we become a trustee for maintaining the human decencies of oc-

cupation, and that overrides every technicality.

Mr. HAWKES. Otherwise there would be no objective in decent people going into the territory of another nation.

Mr. MILLIKIN. Under what theory can we set ourselves up as competent to control others if we are not willing to see that they can secure enough food upon which to live?

Mr. HAWKES. I agree with the Senator.

Mr. MILLIKIN. The converse is that we become efficient occupiers in the degree that we become efficient starvationists.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. HAWKES. I agree with the distinguished Senator from Colorado. I should like to make this comment: As the Senator from Nebraska knows, I flew across the ocean and spent approximately 29 days going through war territories in France, Germany, Italy, Greece, and other countries. The best information I could obtain from the generals in command over there was that at that particular time for the feeding of Germans they had reduced the number of calories per person to 750 a day. No one can live on that kind of a diet anywhere in the world. While we were there it was changed to 950 calories a day.

We in the Senate talk as though we were giving the Germans this food. We took the food they had, and we limited them in the use of the food they had. If they had a surplus of a certain food, we took it, and, of course, our Army in turn replaced it with something else. I take it that what the Senator is talking about is what I am thinking about. What are we going to add to the whole picture in trying to save humanity and save our own reputation?

Mr. MILLIKIN. Mr. President, will the Senator indulge me once more?

Mr. WHERRY. I yield.

Mr. MILLIKIN. I realize that a difficult problem is involved. Perhaps there is a limited amount of food which must be spread over many places, including our own Allied countries. I would not for one moment say that we should reduce our own allies to a starvation basis in order to lift a former enemy beyond that basis. I believe that that should be said to keep the matter in proper perspective. It may be that we shall have to get more food. It may be that we shall have to have a special campaign to increase the over-all amount of food available for the whole purpose. But wherever we have our hand we should exercise a just and decent control, and bring our policies into agreement with the humane sentiments which have always characterized this country.

Mr. HAWKES. Mr. President, will the Senator yield to me for a moment, so that I may not be misunderstood?

Mr. WHERRY. I yield.

Mr. HAWKES. I am thoroughly in accord with everything the Senator says. All I have in my mind and heart is that we should do the things we can do without depriving ourselves of too much, and without inflicting any wrong on our

allies. We should do what we can well, and do it on time, because time is of the essence of everything.

I wish to make one further observation. I have previously made this statement in the Senate. I could be bitter. My only son is buried at Milne Bay in New Guinea, and I am helping to rear his two little children. I could be bitter. No one can accuse me of not hating the leaders of the German people. No one can accuse me of not wanting them to have the punishment which is justly theirs. I am trying to be human, and I am trying not to carry through to the wrong person any vengeance or bitterness.

Mr. WHERRY. Mr. President, I know how the Senator from New Jersey feels about our relationship to the countries which we have engaged as enemies at war. I wish to say to him that in my fellowship with him here for the last 3 years he has indelibly stamped upon my heart the sincerity of the words which he has just spoken. I know that he wishes to go as far as he possibly can in relieving the situation in Germany. He believes in American decency, which is in keeping with the life which he has lived. I thank him for the statement which he made a few moments ago.

Mr. MILLIKIN. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield to the distinguished Senator from Colorado.

Mr. MILLIKIN. I believe that the thing which is at the bottom of our inquiries and our worries is whether we are following a starvation policy. That is the basic thing. I do not believe that we should follow such a policy and I am sure the American people do not intend that we should follow it.

I believe that the second thing of importance is that that which is available shall not result in a starvation policy through incompetent administration.

Thirdly, if there is not enough, under efficient management, to keep us in step with humane policies, perhaps we shall have to consider measures to produce more.

Mr. WHERRY. I thank the distinguished Senator from Colorado once again for his very timely suggestions.

The next thing which I should like to mention in connection with the record of policies which are being maintained by the administration is the matter of the number of calories.

On November 28, Byron Price, upon returning from a trip to Germany after a special study mission for President Truman, issued a grim warning that the United States faced possible failure in its effort to help rebuild a peaceful Germany.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. EASTLAND. Has the entire Byron Price report been printed?

Mr. WHERRY. Not so far as I know. Has the Senator seen it?

Mr. EASTLAND. The reason I ask is that I read in a magazine yesterday that the entire report had not been printed, although excerpts from it had been. I wished to know whether the Senator had any information on the subject.

Mr. WHERRY. I shall read an excerpt from a report which was handed to me. However, I have not seen the entire report of Mr. Price.

Mr. Price urged the immediate raising of the ration level in the American zone from 1,550 to 2,000 calories a day. I know about the 750 calories and the 900 calories. The Senator from Mississippi knows, as does the Senator from New Jersey, that people cannot be properly fed on 1,550 calories, especially with the food available in Germany. They cannot survive. Mr. Price suggested that the ration level in the American zone be raised from 1,550 to 2,000 calories a day. He also warned:

The next few months will determine whether the American Government in its first large-scale attempt at governing a conquered people is to succeed or fail or to abandon the effort.

On the same day General Eisenhower's final monthly report as the American Military Governor of Germany, warned that the general economic condition of Germany was "unsatisfactory" and that the food situation will be even worse this winter than anticipated.

Mr. President, again I say that the conditions that have resulted from the President's stubborn refusal to alter the cruel absurdities of his policy toward Germany cannot possibly be for lack of warning, or of conclusive proof of the consequences.

Yet in spite of these official warnings and indictments, on December 12, Secretary Byrnes deliberately reaffirmed the same policy toward Germany which President Truman knew had already implicated the American people against their will in the crime of mass starvation. Mr. Byrnes restated as America's policy the imposition of a daily diet of 1,550 calories a day, which he admitted "is not sufficient to sustain in health a population over a long period of time."

Mr. Byrnes did attempt to mitigate the restatement of such a policy by stating that he was going to prevent mass starvation in Germany. But Mr. Byrnes also stated:

In terms of world supply and of food shipments from the United States, liberated areas must enjoy a higher priority than Germany throughout this first postwar winter.

What about the consequences of these policies? Mr. President, President Truman knows perfectly well that an imposed diet of 1,550 calories subjects any people to mass starvation and the ravages of disease and death.

The truth is there is already such an overwhelming mass of direct information and evidence of the savage consequences of Mr. Truman's policies that an earthquake of public opinion is now necessary to avert the additional tragedies which will follow if this administration is permitted to attempt to get out from under through the feeble application of a few face-saving formulas.

The only concession that this administration has made to the American people on this issue—and it was mentioned a moment ago—was announced in an Associated Press dispatch January 27 in the New York Herald Tribune. According to this dispatch, the administration has

given permission to the American council of voluntary agencies to send relief to "special categories" of German civilians. According to the dispatch, Lt. Gen. Lucius D. Clay, commanding the American military government, authorized the American council to ship medical and sanitary supplies, soap, cod liver oil, and infants' food. The shipment of clothing is now permitted for the aged, the young children, pregnant women, nursing mothers, and the ill.

Mr. EASTLAND. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. HOEY in the chair). Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. WHERRY. I yield.

Mr. EASTLAND. Such shipments are now permitted only into the American zone, are they not?

Mr. WHERRY. That is true.

Mr. EASTLAND. Does not the Senator think our Government should negotiate with the Russians, the French, and the British to see whether private relief agencies can go into all four zones of Germany and send food and clothing there?

Mr. WHERRY. Certainly, and I appreciate that suggestion. I shall take it up later in my remarks, but I say to the Senator now that it is one of the most pertinent suggestions which could be made relative to the need for such a Congressional investigating committee as I have proposed.

Mr. EASTLAND. Then does not the Senator think that it is absolutely horrible for us to refuse to permit our own people or our own agencies which desire to send food and clothing to friends and relatives in Germany to do so?

Mr. WHERRY. I certainly think it is. The correspondence we receive demonstrates that conclusively. I wish all Members of the Senate could read some of the letters I have received from people who for more than 4 years have not heard from their relatives in Germany. Why cannot they have the right to send food and clothing to them?

Mr. President, according to General Clay, the military government has reserved the right to supervise distribution of relief—the bare necessities of life—which in the American zone is to be made through existing German welfare agencies. Certainly the details have not been worked out for distribution in the British, French, and Russian zones, as has been brought to the attention of the Senate by the Senator from Mississippi [Mr. EASTLAND].

But, as the following testimony will reveal, this one gesture on the part of this administration is only a drop of relief in an ocean of human misery, and our official policies remain unchanged. This tragic situation in Europe resulting from President Truman's insistence becomes more hideous by the hour. For long months the President's refusal to alleviate these conditions has only intensified the human needs to which we must minister. We must now deal with the ghastly consequences of an enforced starvation diet which has been imposed on helpless millions, the innocent and the guilty alike, since the war ended.

The population of Germany at best could only have maintained the physical condition which was described by the National Research Council in a reply to a question asked of it by our Foreign Economic Administration last June.

The question was:

Assuming that a man in reasonably good physical condition to start with were placed on a daily diet consisting of 42 grams of fats, 23 grams of animal protein, a reasonable intermediate quantity of vegetables characteristic of Germany, cereals, potatoes, total caloric content 1,200, what would the effect of such food rations distributed in occupied Germany be?

The answer was as follows:

The best evidence available to the Board would indicate that the effects of semistarvation should receive consideration under three headings, namely: Capacity for work, psychological effects, vulnerability to infectious and other nutritional diseases. The judgment of the Board, based on evidence available, is that adult European males reduced to an intake on the average of 1,400-1,700 calories for a period of 6 months will suffer: (1) Reduction of capacity for work (endurance) to the point where only very light work can be performed effectively, moderate heavy work, and heavy work not at all. (2) Loss of power of mental concentration associated with apathy, depression, and a high level of irritability. (3) Increased susceptibility to infectious and contagious diseases. It is appropriate to point out the broader implications of the foregoing conclusions: In the first place, the ability of a population to maintain or increase its own community production of food, not to speak of other goods, would be diminished. In the second place, there would be less hope of establishing acceptable community and political organization. In the third place, a population subjected to such a low level of food supply might be expected to develop epidemics which might spread to other nations and consequently represent a hazard to the entire world. It is reasonable to suppose that if the average food intake per adult male is less than 1,400-1,700 calories, the effects described above would be exaggerated and also that an increasing number of persons would lose ability to support themselves and thereby greatly add to the burden of the occupying authorities.

Mr. President, again I say that last May, when the war ended, the frightful conditions existing throughout the whole of Europe must have caused everyone in public office to cringe before the prospect of the rehabilitation that was needed. This report of the National Research Council states objectively the best that Mr. Truman and his advisers could possibly have hoped for in regard to the physical condition of the German people at the end of 6 months of an enforced starvation policy.

It is now 9 months since that policy was put into effect, and the story of what has actually resulted proves that even the conditions described by the National Research Council, tragic as they were, have not even been remotely approached.

Mr. Truman must have known all these things. Yet Mr. Truman has defied not only American but world opinion by refusing to yield to the heart-rending pleas for intercession and mercy that have come from all over the globe.

The magazine *Politics* carries the following story, which has been compiled from three sources: a world-wide press report of October 24; the *News Letter* No.

48, by Paul Sifton, of the Union for Democratic Action; and a statement from one who was present at the interview with President Truman on September 17, 1945. A delegation representing 48 national organizations, headed by Mrs. Dwight W. Morrow, chairman of the Food for Freedom organization, had secured an appointment with the President to urge more generous overseas relief for Europe. Among the more than 40 organizations included were the CIO, the A. F. of L., the Federal Council of Churches, the General Federation of Women's Clubs, the Farmers Union. According to the magazine *Politics*—

Mrs. Morrow was the spokesman of the delegation. Truman's attitude was bristling, hostile; he interrupted her twice in her first sentence. When she spoke of "starvation" in Europe this winter, he cut her short in order to express annoyance with the alleged lack of self-respect and initiative of the people of Europe, who "didn't do things for themselves but just sat around and waited like birds to be fed." Later, he agreed that Congress should appropriate more funds for UNRRA, but said, inaccurately, the United States of America was reaching the limit of its capacity to help. At the same time, with the callousness which only well-fed heads of states and such dehumanized characters display, he admitted that, even if all the UNRRA funds and other credits his Administration is now requesting should be granted in full, Europe's food supplies would still "remain below the minimum level of subsistence." When Mrs. Morrow mentioned "our" promises to feed the liberated nations after the war, Truman again interrupted: "We didn't promise them anything." Mrs. Morrow: "But President Roosevelt said—" Truman (interrupting): "Well, I didn't promise."

It is perfectly obvious, Mr. President, that the delegation represented the slow awakening of the American people to the terrible tragedy and crime against humanity to which President Truman had committed them at Potsdam. The record will clearly show that the real news of the tragedies that are taking place broke first through the British press. On August 24, the *London News Chronicle* carried the following story:

The Allies have made no effort to render relief or even give the Berlin Social Welfare Organization any assistance whatsoever. Here in Berlin we are living under this shadow, not just of hunger and want, but of death, and epidemics on a scale the world has not seen in recorded history.

On September 15, Hans Albrecht, leading German Quaker, reported to the British Friends Ambulance Unit, in Berlin:

No child born in Germany this year will survive the coming winter. Only half the children aged less than 3 years will survive.

These are only samples of what the British press has been reporting for weeks, while the American press remained gagged. Strangely enough, it was PM's foreign correspondent, Edd Johnson,—Mr. President, I am now bringing to the attention of the Senate an article from PM, if you please—who helped to bring home to the American people the horrible story of what was going on, when on October 3, he wrote:

Germans are going to die like flies this winter—so say the United States public health officers here. . . . The infant mortality rate in Berlin is 16 times as high

today as it was in 1943. A German Red Cross official predicts an infant mortality rate of 80 to 90 percent during the coming winter.

There is going to be a definite age group elimination of the German population. Most children under 10 and people over 60 cannot survive the coming winter. The inevitable influenza will fill the gutters with German dead—and I am still quoting the public health officers with whom I have had rather close associations during the past few days.

From that time on, these terrifying stories have been shouted from the housetops.

On October 4 a British major is quoted in the *London Daily Mirror*, as follows:

The greatest horror in modern history is taking place in eastern Germany. Many millions of German people have been ejected onto the roads . . . are dying by the thousand on the roads from starvation, dysentery, and exhaustion. Even a cursory visit to the hospitals in Berlin . . . is an experience which would make the sights in the concentration camps appear normal.

Mr. President, one would think that President Truman would have foreseen that if these conditions prevailed, even through the late summer and early fall, a continuation of his policy could not help but lead to disaster.

On October 12 Probst Gruber, a former inmate of a concentration camp, wrote in the *Friend*, published in London:

In the forest around Berlin, countless dead are hanging from the trees. One becomes indifferent to death. Mothers see their children die and bury them by the wayside, apparently with none of that pain which usually tears a mother's heart apart. . . . If this misery cannot be checked, it is no exaggeration to reckon on a figure of 20,000,000 dead this winter.

On October 28 the *London Observer* stated that not only Germany but also "Europe is threatened by a catastrophe which has no precedent since the Black Death of 1348."

On November 13 the *New York Times* issued a special report on the general European food situation, warned of the terrible threat confronting civilization, and specifically stated concerning Germany:

Here in Berlin the Germans are losing weight and showing signs of malnutrition, but they are not dying of starvation. However, the death rate among the very old and the very young is high and growing because of the lowered resistance to disease.

Since then, Mr. President, one by one the leaders of the American people and of their institutions have become aroused until clear across this country passionate protests have been delivered to President Truman from men and women representing a complete cross section of American life.

On November 14, the Christian Century carried the following plea which had been issued by a joint committee of the World Council of Churches, the International Red Cross, the World Jewish Congress, and the Save the Children International Union and Catholic Charities:

Children by the millions are in imminent danger of starving and freezing as winter comes to Europe unless immediate help

comes. Helpless children cannot survive much longer unless there is a united effort to save them.

The Christian Century continued:

It is time for the Christian conscience to cry, Stop, stop this torture of helpless war victims. . . . The policy being followed in central Europe is ghastly. It is unnecessary. It is a repudiation of Christian charity and a defiance of Christian morality.

On November 28, the *Christian Century* made the further charge:

Silent concurrence by the churches in murder by starvation makes the church an accessory to the crime. As a result of the Potsdam decisions, millions of Germans are starving now.

On December 1, the American Friends Service Committee placed a plea entitled: "If Thine Enemy Hunger, Feed Him" in the *New York Times*, the *Chicago Sun*, the *Philadelphia Evening Bulletin*, the *Chicago Tribune*, and the *Washington Post*. This committee received more than 20,000 statements of approval. It received \$23,000 in unsolicited contributions, and only 30-some protests, most of which were unsigned. Since then, requests for mats of this statement have been received from more than 70 other American communities.

In the November issue of the *Lutheran Outlook* the following protest was recorded:

Inhumanity and even brutality are being practiced in a manner that is shocking to the Christian conscience. Millions of human beings are on the verge of starvation, and yet, in America at least, there appears to be no official cognizance of the fact. The American people are being kept strangely in ignorance of the awful catastrophe that has befallen a large part of the world's population. . . . We raise a voice in solemn protest against the inhumanity which today is being practiced by the victor nations against the German people and we do plead for pity and mercy for the millions of innocent children who are now become the chief victims of the judgment which has fallen.

On December 9, even Mr. Morgenthau warned of the danger of chaos in Europe by saying:

Hundreds of thousands of Europeans will die this winter unnecessarily because of our failure to act. The very existence of democratic government on the Continent is threatened because we have not moved fast enough.

Mr. Morgenthau further charged:

The administration has not been thinking hard enough, has not been working consistently on this job.

On December 11, a delegation of the Federal Council of Churches of Christ in America returned from an investigation of conditions in Germany. They warned that expulsion of millions of Germans from their homes had caused unspeakable hardship, and that the persons who were trying to get into the Reich were without food, shelter, clothing, or medical supplies. They voiced an urgent appeal for aid to the German people.

On December 15, the chairman of the Foreign Relations Committee received a communication from the Peace Campaign of Mount Vernon, N. Y., containing a petition for a Christian peace,

fit for men born free and equal in pursuit of happiness, which had been signed by more than 900 Protestant pastors and Catholic prelates and priests. The communication goes on to say:

While we are not authorized to interpret their feelings, they seem deeply perturbed over the things Stalin and Truman are doing in Europe. When millions of humble folks are driven from their ancestral homes, driven from the fields in which their lives were rooted, away from the graves of fathers and mothers and all they loved, when men are carried away into slavery from which there is no return, when Christians are deported for their faith, rape and plunder are within the law, and common decency becomes a crime, then something is radically wrong. And so it is when the American colonel administering Berlin allots to his charges some of their own food "not because we like to feed the Germans but because we don't want their rotten corpses to infect our troops." What kind of talk is this, anyway?

Mr. SMITH. Mr. President, will the Senator yield?

Mr. WHERRY. I will yield for a question and an observation, but I will not be taken off my feet.

Mr. SMITH. Following the First World War I had the privilege of becoming a member of the American Relief Administration under the skillful chairmanship of former President Hoover. The distinguished Senator from Ohio was also a member of that organization. Our policy was to afford relief to the suffering peoples of the world, including our enemies. I say to the distinguished Senator from Nebraska that I welcome his speech. It is a valuable contribution, and sounds a very important note. The organization to which I have referred developed a system of handling food packages so that people in this country who had relatives abroad were enabled to send to them relief and food.

I thank the Senator for bringing this subject to the attention of the Senate. I have received a great deal of correspondence in regard to the matter, and I hope that we may do something about it.

Mr. WHERRY. Mr. President, I thank the Senator from New Jersey for his very timely remarks.

On December 15, 34 Senators, representing all parties and shades of opinion, sent the following petition to President Truman:

DEAR MR. PRESIDENT: We, the undersigned Members of the United States Senate, hereby appeal to you as the Commander in Chief of our armed forces to take immediate steps toward relieving the appalling famine in Germany and Austria.

The people of these countries are today facing starvation on a scale never before experienced in western civilization. War has destroyed most of their houses and factories. Millions of their men are dead. Many millions more are working as forced labor in foreign lands, thus unable to give aid to their wives and children. Millions of totally destitute deportees are milling aimlessly about the country. These people desperately need food, clothes, fuel, medicine, and shelter. The most appalling situation exists in the Russian zone due to the almost total loss of crops and livestock.

War has utterly destroyed Germany's war-making power. Surveillance and control are sufficient to insure our future safety. We did not fight the war to exterminate the German

people, but to destroy forever the criminal Nazi leadership and their war machine.

Now the war is over. The German people must be offered the opportunity to work their way back into the community of nations. The American people do not want to be responsible for having permitted a catastrophe which cannot but drag all Europe into ruin and chaos. We in the United States have granaries overflowing with wheat. If properly used, our surpluses are sufficient to keep alive all needy people in the lands of our allies as well as our former enemies.

We, therefore, appeal to you, Mr. President:

1. To give orders at once to our armed forces in Germany and Austria to raise food rations above the present starvation level in the United States zone of occupation and restore immediately mail and postage service.

2. To start negotiations at once with the head of the Russian state with the object of gaining his permission to send American food supplies into the Russian zone of occupation in order at least to diminish the appalling daily death toll.

3. To give permission now to private relief organizations to start operations in Germany and Austria, in order to support the efforts of our occupation forces.

4. And, Mr. President, because we believe that the conditions in Germany and Austria are so desperate that even the above steps if taken immediately will not suffice, we further appeal to you to authorize and create an independent American Relief Mission to avert this impending disaster of wholesale starvation and pestilence now threatening Europe, even beyond the assistance now being furnished by UNRRA.

The following are the signatures arranged in alphabetical order and with State and political party indicated:

STYLES BRIDGES, Republican, New Hampshire; C. DOUGLASS BUCK, Republican, Delaware; HARLAN J. BUSHFIELD, Republican, South Dakota; HUGH BUTLER, Republican, Nebraska; HOMER E. CAPEHART, Republican, Indiana; ARTHUR CAPPER, Republican, Kansas; E. P. CARVILLE, Democrat, Nevada; SHERIDAN DOWNEY, Democrat, California; JAMES O. EASTLAND, Democrat, Mississippi; ALLEN J. ELLENDER, Democrat, Louisiana; JOSEPH F. GUFFEY, Democrat, Pennsylvania; ALBERT HAWKES, Republican, New Jersey; B. B. HICKENLOOPER, Republican, Iowa; CLYDE R. HOEY, Democrat, North Carolina; EDWIN C. JOHNSON, Democrat, Colorado; ROBERT M. LA FOLLETTE, Jr., Progressive, Wisconsin; WILLIAM LANGER, Republican, North Dakota; E. H. MOORE, Republican, Oklahoma; ABE MURDOCK, Democrat, Utah; JAMES MURRAY, Democrat, Montana; JOSEPH C. O'MAHONEY, Democrat, Wyoming; GEORGE L. RADCLIFFE, Democrat, Maryland; LEVERETT SALTONSTALL, Republican, Massachusetts; HENRIK SHIPSTEAD, Republican, Minnesota; H. ALEXANDER SMITH, Republican, New Jersey; W. A. STANFILL, Republican, Kentucky; GLEN H. TAYLOR, Democrat, Idaho; CHARLES W. TOBEY, Republican, New Hampshire; DAVID I. WALSH, Democrat, Massachusetts; BURTON K. WHEELER, Democrat, Montana; KENNETH S. WHERRY, Republican, Nebraska; ALEXANDER WILEY, Republican, Wisconsin; RAYMOND E. WILLIS, Republican, Indiana; MILTON R. YOUNG, Republican, North Dakota.

I have been reliably informed, because that was the week just prior to the Christmas vacation, that if some of the other Senators who were then absent

had been present, they would have been glad to sign the petition.

Mr. MORSE. Mr. President, will the Senator from Nebraska yield?

Mr. WHERRY. I yield.

Mr. MORSE. I wish to say I am very sorry that, although I was present that week, I did not know of the petition, because the Senator has made it necessary for me to answer a great deal of mail from constituents wanting to know why my name did not appear on it. I very kindly suggest that I think that when such a round robin is being circulated, it would be very helpful if all of us who are here might have notice of it, so that we could either agree or disagree to be parties to the petition. Had the petition been presented to me, I would have signed it. I repeat, I think it is only fair that such petitions be circulated to all Members of the Senate, because in this particular instance the impression is created that because my name did not appear upon it, I was not in favor of it.

Mr. WHERRY. Whenever I circulate a petition I certainly do invite each and every Senator to sign it. I did not circulate this one. I happened to be a signer. The Senator will notice that my name is about the thirty-second or the thirty-third on the petition. If I had circulated it, I certainly would have had the Senator from Oregon sign it, and, with the explanation just given by the distinguished Senator, I say now that it is too bad his name was not on the petition. If there is any way to get his name on it, even as late as today, I should like to see it go on, as well as the name of any other Senator.

I say to the Senator from Oregon that if he did not hear my remarks at the beginning of my reference to the resolution I have tendered, the resolution is at the desk, and I have invited each and every Member of the Senate to put his name on it before it is sent to the Committee on Foreign Relations.

Mr. MORSE. I am very sorry that I was not in the Chamber during most of the Senator's remarks, but I have just come from a committee meeting, and I shall read the Senator's resolution, and I shall certainly give him word tomorrow what my position will be.

Mr. WHERRY. I wish to thank the Senator even for his consideration of the matter.

Mr. President, on December 24, a release was given to the American press which I ask to have incorporated at this point in my remarks, since the signers of this petition include a representative cross section of America's leading churchmen and laymen.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

AMERICAN CHRISTIANS FROM ALL CHURCHES ISSUE POWERFUL CHRISTMAS APPEAL

Leading churchmen and laymen, of all the American Christian churches from Unitarians to Catholics, issued on Christmas Eve an appeal, in the name of Jesus Christ on His birthday, to the American people in behalf of the starving children of Europe.

The appeal, based on official reports and on the information received by the various religious relief organizations from their distribution centers abroad, paints a picture of

conditions reminiscent of the Black Death of the Middle Ages, which depopulated Europe.

The appeal is headed by the New Testament quotation: "Whosoever shall offend one of the least of these my little ones, it were better that a millstone were hanged about his neck and he cast into the sea."

It proceeds as follows:

"Tomorrow we celebrate with gifts and tinsel and luxurious meals the birthday of the Child who came into the world to found the earth on peace and love.

"The weak and fallible, the strong and arrogant have scorned His commandments. And the earth has been drenched with blood.

"Hatred and fear, grief and revenge, fury and despair corrode the souls of men, though the war is over.

"And the children, whose innocence is the symbol of Christ, are the victims.

"The children of Europe are condemned to die—to die in masses in this first year of peace.

"Driven from their homes in eastern Europe, millions of children have neither food, clothing, nor shelter. They wander, foraging in already famished countrysides. Their dead bodies starved and frozen lie on the roads.

"All children are innocent of this war. America knows no enemy children.

"Millions of Europe's children live in heatless rooms, often without windows, with leaking roofs, and sometimes open to the winter sky. Their food must also fuel their bodies with heat. The children, except in the best provided areas, are condemned to ever-gnawing hunger, stunted growth, tuberculosis, rickets, and immediate prostration and death before the onslaught of respiratory diseases and other epidemics. In parts of Germany mothers bearing children from famished bodies cannot nourish them, and the infant mortality is at least 50 percent of births.

"In long-underfed Britain, Christian men and women are cutting their own meager rations to save even the children of their late enemies.

"But in America the restaurants are full to overflowing, rations are off, and never in history was the people's expenditure for food so high.

"In the name of Jesus Christ, our Saviour, we appeal on this Christmas eve to the people of America:

"Petition your Senators and Congressman for the opening of all Europe, including Axis countries, to relief.

"Join with us to start a movement for American families to sacrifice the equivalent of one meal per week for the salvation of Europe's children, regardless of race, nationality, or creed.

"Send your name and address to Mr. Josiah Marvel below. Circulate this appeal and obtain other adherents.

"Our future peace can only be built by those who are children today. Upon our merciful love toward them will depend their faith in the social, political, and religious principles we profess to serve.

"This appeal issued by men and women of all the faiths and creeds of American Christendom—in tribute to our Saviour, who taught us to pray: 'Give us this day our daily bread.'

"May the peace and love of God enter our hearts on this Christmas, and direct us to do His will."

Among the 50 signatories of the appeal are persons prominent in the American Friends Service Committee, the Committee for Overseas Relief of the Federal Council of the Churches of Christ in America, the Lutheran World Action, the War Relief Services of the National Catholic Welfare Council, and the Unitarian Service Committee, as well as the presidents of both big trade-union movements. They include:

Dr. Roswell P. Barnes, Dr. P. O. Bersell, Clement Biddle, J. Henry Cadbury, Msgr.

Howard G. Carroll, Henry Clifford, Dr. Frederick Mann Elliot, William Emerson, Dr. Paul C. Empe, Dr. Harry Emerson Fosdick, Stephen H. Fritchman, George J. Gillespie, Ellis Gimbel, Mrs. Vincent Greene, William Green, the Rt. Rev. Henry Wise Hobson, Herbert Hoover, Hannah Clothier Hall, Robert M. Hutchins, Rufus M. Jones, the Rev. John LaFarge, Mrs. Henry Goddard Leach, Dr. Henry Smith Leiper, Mrs. James Marshall, Harold McKinnon, Dr. Louis D. Moorehead, Elizabeth Morrow, Dr. Leslie B. Moss, Carl Murphy, Philip Murray, the Rt. Rev. Msgr. P. A. O'Boyle, the Rev. William A. O'Connor, Bishop G. Bromley Oxnam, James G. Patton, C. G. Paulding, Clarence E. Pickett, Gifford Pinchot, A. Philip Randolph, John Rich, Mrs. A. B. Ritchie, Dr. Ralph W. Sockman, Louis J. Taber, Dorothy Thompson, the Rt. Rev. St. George Tucker, Dr. Henry Pitney Van Dusen, Alfred F. Whitman, Matthew Woll, D. R. Yarnall.

Mr. WHERRY. Mr. President, on December 23 the National Planning Association issued a completely objective report on food conditions in Europe, in which it is stated:

In Germany the food problems of urban consumers are already serious. Lack of fuel, shortage of clothing, and inadequate housing further aggravate the situation. . . .

To insure 2,000 calories per day for the nonfarm consumers in the zones occupied by the Western Allies and in the British-American zone of Berlin will require imports of about 4,750,000 tons of wheat.

On January 11 Lewis C. Schenk, a member of the New York staff of the National Lutheran Council charged this Government with the sole responsibility of holding up aid to Germany.

On January 12 Rev. Edward E. Swanson, assistant executive director of war relief services of the National Catholic Welfare Council, after returning from a 5 months' trip through Europe, stated:

I have heard it said that American public opinion would not stand for a program of private relief to German civilians, but I do not believe it. If Americans could see, as I have, innocent children and the aged literally dying on the street from starvation in the large German cities, I am sure they would feel as I do—that they, too, come under the mantle of our Christian charity. . . . If we are to win the peace and are anxious to see a stable civilization in Europe, we must continue to strengthen American relief programs abroad.

On January 14 the Progressive carried the story of Dr. Baeck, chief rabbi of Germany, now in this country, who, according to the Progressive, has—

horrified the hate cult in this country by calling on his Jewish colleagues to join with him in demanding relief feeding for Germany just as for the other countries of Europe.

Mr. RUSSELL. Mr. President, I did not understand from what periodical the Senator was reading.

Mr. WHERRY. I was reading from the Progressive. On January 14 the Progressive carried the story of Dr. Baeck, chief rabbi of Germany.

Mr. RUSSELL. Is that the newspaper that is published under the auspices of a distinguished Member of this body?

Mr. WHERRY. Yes. It is published by the senior Senator from Wisconsin [Mr. LA FOLLETTE]. By the way, I read

that newspaper. It comes to my home. I want to say that some of the most forceful editorials I have read are contained in that publication. I am quoting from the Progressive the statement of Dr. Baeck, chief rabbi of Germany, who is now in this country, as follows:

Horrified the hate cult in this country by calling on his Jewish colleagues to join with him in demanding relief feeding for Germany just as for the other countries of Europe.

In the January issue of the Commentary, a Jewish review, the American Jewish Committee published a criticism of the Morgenthau plan by Guenter Reimann, who concluded with the following warning against the very spirit that motivated Mr. Morgenthau's plan for Germany by saying:

Let us Jews above all be given pause by this delenda est. Perhaps better than any others we know that an eye for an eye has never solved anything. And from history we have learned that poverty and frustration and denial of human dignity, not inborn evil, make up the soil that nurtures the hatred of man against man.

Mr. President, on January 8, four Senators made a personal appeal to the President to take immediate steps to permit the American people to enter into this terrible problem of relieving human suffering directly. More Senators would have gone, but few Senators were in Washington at the time.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. RUSSELL. I think the Senator should state that the Senate did not reconvene until January 14, and a great many Senators were at their homes.

Mr. WHERRY. That is what I intended to say. Perhaps I did not make myself clear. More Senators would have gone to the White House if they had been here. Those of us who did not go home for the Christmas holidays decided that the situation was so acute that we should make a personal presentation of the matter to the President of the United States, and four Senators made a personal appeal to the President that an effort be made to solve this terrible problem of relieving human suffering, and that steps be taken to permit the people of America to render such assistance as they could. Mr. President, I gave a statement to the press immediately following that meeting, which I ask to have incorporated in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

In company with Senators McCARRAN, LA FOLLETTE, and EASTLAND, I have just conferred with the President on the recommendations signed by 34 Members of the United States Senate, Democrats, Republicans, and Progressives alike, on December 15, which particularly requested that the United States raise its own starvation diet of 1,500 calories and restore mail and package service within the American zone of occupation in Germany and Austria.

These services have been restored in Austria. But two fundamental reasons why they have not been restored in Germany were presented. First was the lack of transportation. Secondly, I learned for the first time that these services cannot be restored

until unanimous agreement is reached within the Allied Control Commission.

The American people should know once and for all that as a result of this Government's official policy they are being made the unwilling accomplices in the crime of mass starvation.

The refusal of this Government to restore mail and package service to the German people singles out helpless millions of women and children in Germany for this treatment. Such a refusal denies to millions of loyal American citizens of German extraction the chance to send immediate relief in the form of money, food, clothing, and medicine, and without any expense to this Government.

The American people also ought to know what our official starvation policy of 1,500 calories really means. The State Department has ordered an increase in the diet of over one million Berliners to prevent the spread of plague.

General MacArthur has just requested 3,000,000 metric tons of foodstuffs for Japan to prevent mass starvation by raising the minimum diet to 2,000 calories a day.

Governor Lehman has just announced that all the billions that have been furnished UNRRA cannot possibly avert mass starvation in Europe.

Our own American officers in Germany are compelled to violate the directives we have issued just to prevent uncontrollable chaos in the American zone.

All of which means that Germany has been singled out for the following treatment:

Germany is the only nation where UNRRA is not permitted to feed its nationals. Germany is the only nation subjected to a deliberate starvation policy of 1,500 calories a day. And as for mail and package services, they have been restored within the American zone, between the four zones, and they have been extended to certain privileged individuals and groups accredited by UNRRA and the Red Cross within Germany. The German people alone are being denied the chance to correspond with or receive aid from the outside world.

Mr. WHERRY. Mr. President, on January 17, I received a communication from 21 GI's and officers who have served both in the European and Asiatic theaters. I should like to impress this matter upon the minds of Senators. The young man who brought this letter to me comes from Falls City, Nebr., which is 40 miles from my home town. I know his father. I know the boy, and I know something of the family background of this pioneer family and of other pioneer Nebraska families who helped to build that State. He is typical of the philosophy of that pioneer people, of that Christian doctrine in which we in Nebraska as well as the people of other States of the Union believe. This pioneer family and his people are thoroughgoing Christians. Twenty-one GI's signed this letter to me, dated January 17, 1946, which is as follows:

JANUARY 17, 1946.

DEAR SENATOR WHERRY: We have recently returned from the European and Asiatic theaters. It has been a shock to come suddenly into a country where cities are untouched by bombs or shells and where people are comparatively well fed and clothed. For months we have been living in countries of gutted cities and ragged, starving people. We have watched the hungry children of Europe and Asia, knowing that thousands of them would not survive the winter.

Why hasn't America given more aid to these countries? It isn't because the American people don't know of these conditions or aren't able to help. A number of magazines have described these conditions and given statistics such as the following: Ameri-

ca's per capita calorie consumption of 3,300 is above the prewar level. England has 2,900 or less. Russia is near the subsistence level with 2,000. France has a starvation diet of 1,500. The American zone in Germany has only 1,400; Italy 1,000; and so on. We don't think the failure to act is due to unwillingness of the American people to give more help. But for some reason enough help has not been provided.

We had hoped that out of this war would come peace and the resurgence of democracy. But we have seen countries where people are driven to crime and lawlessness by cold and hunger; countries where black markets are so widespread that they involve almost everyone. Where, in fact, it is officially admitted that the authorized rations cannot support life unless supplemented by black-market purchases. No adequate official relief organizations have been set up to cope with these conditions. Private relief organizations are willing to help, but such organizations are not permitted to work in the defeated countries. Conditions are appalling even in the Allied countries. There is widespread resentment toward America, increasing distrust of our aims and growing cynicism toward our claims of the benefits of democracy.

We believe that the future of democracy and of world peace alike depend largely upon immediate action to provide adequate relief to the starving in Europe and Asia. The winter has already begun; unless relief is provided before many weeks pass irreparable damage will have been done. We urge Congress to take action and to take it before it is too late.

The first signer of the letter is Staff Sgt. Amos Yoder, the son of Blaine Yoder, whom I have known for many years.

I ask unanimous consent that the remainder of the signatures may be printed at this point in the Record.

There being no objection, the remainder of the signatures were ordered to be printed in the Record, as follows:

Corp. Emory M. Davis, Capt. Richard S. Hawley, Sgt. E. Allen Robinson, Pfc Harrison A. Price, Sgt. O. W. Perlmutter, Lt. Alan B. Smith, Lt. Philip J. Farley, Lt. (jg) Roger Pineau, Lt. (jg) Charles S. Holmes, Lt. Harold E. Fassbey, Lt. Charles H. Schmidt, Lt. William M. Edwards, Staff Sgt. James A. Wilson, Corp. C. P. McEvoy, Corp. B. W. Flinder, Pfc B. F. Jakpruner, Sgt. Bernard Miller, Corp. Louis C. Smedhup, Lt. Richard I. Perry, Sgt. James E. Theis.

Mr. WHERRY. Mr. President, on January 19 a cablegram from Geneva was addressed to the Commission for World Council Service in New York signed by H. Hutchinson Cockburn, former moderator of the Church of Scotland and now director of the World Council of Churches Reconstruction Department in Geneva; S. C. Michelfelder, American representative and director of the council in Geneva; and Paul Neff Garber, European Bishop of the Methodists, who is associated with the reconstruction program, which stated:

The chief problem in Germany is the displaced, wandering, starving, diseased millions of refugees from east of the Oder, Czechoslovakia, and the Danubian countries.

The cable also cited "especially cruel conditions for children" in Europe and said the 1,550 calories of food supplied in the American-occupied zone were "not sufficient for many hundreds of thousands living in leaking, unheated ruins and cellars."

On January 23 the Christian Century carried one of the most angry and in-

spired editorials on this whole tragic situation that I have ever read. This editorial is so moving that I feel the last paragraph ought to be read into the Record:

There is not a day to be lost. By far too much time has been lost already. February is almost here. When that short month has swiftly passed, then the days will be upon us when the cumulative effects of months of near-starvation, lack of decent shelter and family care will turn loose the terrors of epidemic disease on the children of Europe. With every day the opportunity grows less to make real to the people of Germany the Christian testimony to mercy and brotherhood. With every day that Christian love is thwarted by shortsighted and vengeful government policies, the prospect for a future catastrophe grows. It is time that a united demand went up from all American churches and church organizations for an end to the armed barriers which now keep Christian charity from our late enemies. It is time to let Washington know that American Christians will no longer acquiesce in the Potsdam outrage.

Mr. President, the issue before us is not political; it is not a question of a hard or a soft peace; it is not a question of transportation; it is not a question of fawning before the veto power of Russia or France or Britain; it is a question of America's honor, and the basic humanitarian impulses of the American people, as to whether they intend longer to submit to the browbeating of a man, who no longer speaks for, or represents, the American heart, mind, and conscience, in these matters. I am not speaking now for any one group of people. I am convinced that the pleas for intercession on the part of the American people do not represent any one particular group or set of conditions. America's concern for humanity cuts clear across racial, political, religious, and national lines. I am now pleading for humanity, and I do not want another day to pass before America repudiates these policies which have plunged the whole world into chaos. Humanity cries out for the healing and creative touch of the cultured, civilized, and Christian world.

With this end in view and motivated by these high purposes I ask the compassionate consideration by my colleagues of the resolution I have submitted.

Mr. President, I hope the resolution will receive immediate action and that the President will agree with the Congress that a nonpartisan commission should be sent to Europe, there upon the ground to make an immediate investigation, and bring back recommendations upon which the Congress can act, in order that we may keep faith with the principles of Christianity, and with the teachings and the doctrines of the Divine One.

Mr. MILLIKIN. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. MILLIKIN. I should like to suggest that such a committee be accompanied by an outstanding dietitian, by an outstanding public-health man, and by an outstanding medical man; that it go to Europe technically qualified within itself, without having to take from others information which may or may not be correct, and thus be in position to come back here and give us the answers.

Mr. WHERRY. I thank the distinguished Senator from Colorado. I am quite satisfied that the resolution is broad enough and the appropriation called for is sufficient to do that.

Mr. MILLIKIN. I should like to add that the technical staff going with such a committee should include some great religious leader who is acceptable to all denominations and to all faiths, and a representative of the charitable organizations of the country.

Mr. WHERRY. I thank the distinguished Senator.

Mr. President, I yield the floor.

During Mr. WHERRY's address,

Mr. WILEY. Mr. President, will the Senator yield?

Mr. WHERRY. I yield.

Mr. WILEY. I have listened with interest to what the distinguished Senator from Nebraska has said. Because it relates to the subject about which the Senator has spoken, I ask that there be placed in the RECORD at this point a letter which I wrote to General Eisenhower on October 23, 1945, and the reply which I received from him dated November 4.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

OCTOBER 23, 1945.

Gen. DWIGHT D. EISENHOWER,
Allied Control Commission,
Berlin, Germany.

DEAR GENERAL EISENHOWER: I am writing to you as an American very much concerned over a statement that has been recently published in the paper to the effect that 4,000,000 Germans will die in Germany this year because of the pestilence and famine. We are told that this is due primarily to the fact that there has been precipitated into the American-occupied area millions of Germans from the Russian-occupied zone.

As far as I know, I have no German blood in my veins, but it seems to me, as an American, that we who have been so fortunate, owe an obligation to do what is necessary to prevent this catastrophe from befalling German women, children, and old people in particular.

This is, of course, a matter completely apart from the issue of punishment of war crimes and the forestalling of future aggression. All America respects your handling of the occupation problem and the gathering up of German criminals. We believe that justice requires that they be tried and punished.

But over and above this, is our obligation to the millions of fellow human beings in grave distress. We can't forget the great contribution that Germany has made to our own country. If we let these millions die whom we might save, what will the consequences be to our own country and the world? You and I well know that we have been told to love our enemies. If we translate the word "love" into action, it certainly, in this instance, means that we must, out of our surpluses (our wheat, corn, and other materials), make the effort to save the children of this misguided and stricken land.

May I, therefore, respectfully ask of you the answers to the following questions:

1. What are the facts in this situation; that is, what is the present and estimated future mortality rate of Germans due to the factors cited above?

2. What is being done now to prevent pestilence and famine there?

3. What can be done and must be done by us to prevent this horror of mass starvation from coming to pass?

Looking forward to the receipt of your answers to the above and any related questions

at the earliest possible date, and extending to you sincerest assurances of my highest esteem for your brilliant service, I am

Sincerely yours,

ALEXANDER WILEY.

HEADQUARTERS, UNITED STATES
FORCES, EUROPEAN THEATER,
OFFICE OF THE COMMANDING GENERAL,
November 4, 1945.

Hon. ALEXANDER WILEY,
United States Senate,
Washington, D. C.

DEAR SENATOR WILEY: I am indeed happy that you are taking such an active interest, as evidenced by your letter of October 23, in problems that appear to us here to be pressing.

The questions you pose require careful statistical reporting so that I may not give you a picture unbalanced in either direction. These figures are not at my fingertips this instant—today being a Sunday afternoon—but I thought you might be interested in the general picture, which will be supplemented at a later date by a more factual report.

The prospect for the coming winter is not by any means a cheerful one, but long before D-day we had some realization of what would be the general situation in Germany during the first winter of our occupation, and many men have been working assiduously and selflessly to prevent the development of conditions that could be charged as a blot upon the good name of the United States. This subject is one of constant concern to myself and my whole staff, and I believe that we have the problem sufficiently in hand so that in the American zone the winter will be, while hard, at least durable. In Berlin itself it will be difficult indeed to keep down infant mortality rate to levels comparable to those of prewar years, even though we will and are doing our best in this regard.

To answer your one question, specifically, I assure you that within the American zone the mass extinctions that you fear by reason of starvation will not occur. While I and my subordinates believe that stern justice should be meted out to war criminals by proper legal procedure, we would never condone inhuman and un-American practices upon the helpless, which is one of the crimes for which those war criminals must now stand trial.

Statistics will come to you as soon as practicable.

Sincerely,

DWIGHT D. EISENHOWER.

Mr. WILEY. I received a letter from Lt. Gen. Lucius B. Clay, dated November 10. In the meantime General Eisenhower had returned to the States. I ask that General Clay's letter also be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NOVEMBER 10, 1945.

Hon. ALEXANDER WILEY,
United States Senate,
Committee on the Judiciary,
Washington, D. C.

DEAR SENATOR WILEY: Reference is made to your letter of October 23, 1945, to General Eisenhower, and to his reply of November 4, 1945, in which he promised that supplemental information and statistics would be furnished as soon as practicable.

The war resulted in the destruction of the German central statistical machinery. The destruction of communications and decentralization of German administration has prevented the central collection at the present time of the vital statistics that you desire. However, in the near future we hope that sufficient vital statistics will be available so that future trends may be predicted.

To determine mortality rates, definite population census figures must be known.

We have been able to estimate populations, but due to the constant migration of refugees and shifting of populations the census estimates can in no way be considered reliable enough to make rates of morbidity and mortality accurate.

To control pestilence in United States occupied zone of Germany, military government has required the German local and regional administrations to reestablish health services necessary for the control of communicable diseases in Germany. This necessitated: The establishing of health organizations in each locality competent to recognize, evaluate, and take adequate measures to eliminate actual and potential communicable disease hazards; a system for rapid collection, analysis, publication and distribution of disease reports; a system for procuring and distributing medical, veterinary, and sanitary supplies; a laboratory service to enhance early diagnosis of communicable disease; and delegation of authority to the local administrations to enforce adequate measures to prevent the spread of dangerous diseases by refugees, displaced persons, and other sources of epidemics.

Control programs have emphasized the prevention and the spread of dangerous diseases. Typhus fever, being constantly introduced by returning refugees, is controlled by destroying lice, by dusting of refugees with DDT insecticide, and the early diagnosis and isolation of cases. Immunization has been carried out throughout the United States zone for diphtheria and typhoid fever. Smallpox vaccinations are being carried out where the vaccine is available. Penicillin is being distributed for the treatment of serious infections. Tuberculosis is serious and more facilities are being made available for diagnosis and hospitalization. The best-known scientific methods are being introduced for the control of all other communicable diseases as they appear.

Nutritional state of the German people is being checked continuously throughout the United States zone by five expert United States nutrition teams. These teams report their findings so that adequate measures can be taken to prevent mass starvation. In localities where the nutritional state is most severe, the local public welfare organizations have organized mass feeding programs.

Disease statistics, morbidity, and mortality incidence, which may be of value, are attached.

Sincerely,

LUCIUS B. CLAY,
Lieutenant General, United States Army,
Deputy Military Governor.

[Enclosure 1, number of cases and deaths of communicable diseases reported weekly, United States zone of Germany; enclosure 2, estimates of population, United States zone, Germany; enclosure 3, estimates of population, city of Berlin; enclosure 4, number of deaths, city of Berlin, July 1945; enclosure 5, comparison of number of deaths in Berlin with previous years.]

Mr. WILEY. On January 9, because of the very things about which the Senator has spoken, such as newspaper comments, and reports of delegations which had been abroad, I wrote to General McNarney, who had taken General Eisenhower's place, the following letter:

JANUARY 10, 1946.

Lt. Gen. JOSEPH T. McNARNEY,
Commanding General, United States
Forces, European Theater,
APO 757, Care of Postmaster,
New York, N. Y.

DEAR GENERAL McNARNEY: I have received a large number of anxious letters from my constituents having relatives in Germany and Austria.

I would appreciate it if you would present and clarify the answers to some of the questions which they have raised on our German relief policy.

Those questions are:

1. Why are not American citizens who have relatives in Germany allowed to contribute money and supplies to them? The prohibition of such action, as you undoubtedly know, proves very demoralizing to some of our finest citizens of German descent. They have a basic right to aid their kin.

2. Why are not the Lutheran, Catholic, and Quaker Church groups permitted to operate their relief missions in Germany?

3. Why is not the Red Cross permitted to operate there?

Rev. Dr. Edward E. Swanstrom, assistant executive director of War Relief Services of the National Catholic Welfare Conference, has stated after his return from a 5-month tour of Europe:

"I have heard it said that American public opinion would not stand for a program of private relief to German civilians. I don't believe it.

"If Americans could see, as I have, innocent children and the aged literally dying from starvation in the streets of the large German cities, I am sure they would feel as I do, that they, too, come under the mantle of our Christian charity."

Your early comments on this matter would indeed be appreciated. Some time back I wrote to General Eisenhower along this line and he assured me that mass starvation and pestilence would be prevented in our area of Germany. All America demands that this assurance be kept. This should apply to all zones of occupation there. Christian charity, common sense, and justice demand that we prevent inhuman suffering among our former foes as among our former allies. Love, not hate, is still the greatest power in this world.

Sincerely yours,

ALEXANDER WILEY.

That letter was dated January 10. I have received no reply, and I cannot understand it. The letter was written to Lt. Gen. Joseph C. McNarney, commanding general, United States forces, European theater. I feel that a reply should be forthcoming. I wish to compliment the distinguished Senator from Nebraska for raising this issue, which I think is of vast importance not only to the poor children, the aged, and others, but, as has been said, we are living in one world. We have become victors and, as such, we have to play a victor's part according to Christian principles.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The Senate resumed the consideration of the motion of Mr. HOYT to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. JOHNSTON of South Carolina obtained the floor.

Mr. CHAVEZ. Mr. President, I wonder if the Senator from South Carolina would be willing to resume his discussion of the pending question tomorrow, or whether he wishes to continue today. It is my purpose, without jeopardizing the status of the Senator from South Carolina or his right to the floor, to make a motion at this time for a recess until tomorrow.

Mr. JOHNSTON of South Carolina. I have no objection to such motion if it will not take me off the floor.

Mr. MORSE. Mr. President, will the Senator withhold his motion for a moment?

Mr. CHAVEZ. I am glad to do so.

Mr. WHITE. Mr. President, my attention was diverted for the moment. Will the Senator indicate his purpose?

Mr. CHAVEZ. It is my purpose to make a motion for a recess until tomorrow, but the Senator from Oregon asked me to withhold the motion until he made a statement.

Mr. MORSE. Mr. President, with respect to the proposed motion, I know that it is useless for me to do more than protest, and suggest in these protests at the close of the day that I might call for a quorum. In explanation of why I do not, let me say that I am perfectly aware of the fact that all a quorum would do would be to meet and then agree to a motion to recess or adjourn. I do not believe that parliamentary courtesy would justify me in going through an empty gesture. However, again for the RECORD I wish to protest the fact that the Senate of the United States is not meeting in continuous session until the filibuster is broken.

EXECUTIVE MESSAGES REFERRED

As in executive session, and by unanimous consent.

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, and by unanimous consent.

The following favorable reports of nominations were submitted:

By Mr. GEORGE, from the Committee on Finance:

Byron B. Harlan, of Ohio, to be a judge of the Tax Court of the United States for the unexpired term of 12 years from June 2, 1936, vice Arthur J. Mollott;

Louis T. Rocheleau, of Woonsocket, R. I., to be collector of customs for customs collection district No. 5, with headquarters at Providence, R. I. (reappointment); and

Craig Pottinger, of Nogales, Ariz., to be collector of customs for customs collection district No. 26, with headquarters at Nogales, Ariz., in place of Wirt G. Bowman, who is resigning, effective February 1, 1946.

By Mr. McCARRAN, from the Committee on the Judiciary:

John D. Hill, of Alabama, to be United States attorney for the northern district of Alabama, vice Jim C. Smith, term expired;

August Klecka, of Maryland, to be United States marshal for the district of Maryland; and

Patrick J. Gilmore, Jr., of Alaska, to be United States attorney for division No. 1 of Alaska, vice Lynn J. Gemmill, resigned.

By Mr. BAILEY, from the Committee on Commerce:

Richard Parkhurst, of Massachusetts, to be a member of the United States Maritime Commission for the unexpired term of 6 years from April 16, 1942, vice Vice Adm. Howard L. Vickery; and

Capt. John H. Cornell and John S. Baylis to be commodores for temporary service in the United States Coast Guard, to rank as such from January 1, 1946.

By Mr. THOMAS of Utah, from the Committee on Military Affairs:

Howard C. Petersen, of Virginia, to be Assistant Secretary of War, to which position he was appointed during the last recess of the Senate, vice John J. McCloy, resigned;

W. Stuart Symington, of Missouri, to be Assistant Secretary of War, as provided for in the act approved July 2, 1926;

Brig. Gen. Roscoe Campbell Crawford (colonel, Corps of Engineers), Army of the United States, for appointment in the Regular Army of the United States as Assistant to the Chief of Engineers, with the rank of brigadier general, for a period of 4 years from date of acceptance, vice Brig. Gen. Thomas Matthews Robins, United States Army, retired;

Col. Henry Alfred Byroade (first lieutenant, Corps of Engineers), Army of the United States, for temporary appointment as brigadier general in the Army of the United States, under the provisions of law;

Sundry officers for appointment in the Regular Army of the United States;

Sundry officers for appointment, by transfer, in the Regular Army of the United States;

Edmund A. Flagg for appointment as executive, Communications and Records Division, National Headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended;

Louis Carl Pedlar for appointment as information analyst, national headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended;

Troy W. Lewis for appointment as Chief, Legal Division, Arkansas State headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended;

Colgate Hoyt for appointment as Assistant Chief, Veterans' Personnel Division, national headquarters, Selective Service System, under the provisions of section 10 (a) (3) of the Selective Training and Service Act of 1940, as amended;

Brig. Gen. Butler Buchanan Miltonberger (colonel, Infantry (National Guard of Nebraska)), National Guard of the United States, Army of the United States, to be Chief of the National Guard Bureau, with the rank of major general, for a period of 4 years from date of acceptance, and to be major general in the National Guard of the United States, Army of the United States, under the provisions of section 81, National Defense Act, as amended, vice Maj. Gen. John Francis Williams;

Brig. Gen. Thomas Jefferson Davis (lieutenant colonel, Adjutant General's Department), Army of the United States, for appointment in the Regular Army of the United States as Assistant The Adjutant General, with the rank of brigadier general, for a period of 4 years from date of acceptance; and

Maj. Gen. Thomas Bernard Larkin (colonel, Corps of Engineers), Army of the United States, for appointment in the Regular Army of the United States as the Quartermaster General, with the rank of major general, for a period of 4 years from date of acceptance, vice Lt. Gen. Edmund Bristol Gregory.

RECESS

Mr. CHAVEZ. Mr. President, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 30, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 29 (legislative day of January 18), 1946:

DIPLOMATIC AND FOREIGN SERVICE

Robert Lacy Smyth, of California, now a foreign-service officer of class 2 and a secretary in the diplomatic service, to be also a consul general of the United States of America.

Elbert G. Mathews, of California, now a foreign-service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

NATIONAL HOUSING ADMINISTRATION

Wilson W. Wyatt, of Kentucky, to be National Housing Administrator.

IN THE NAVY

Vice Adm. Patrick N. L. Bellinger, United States Navy, to be a vice admiral in the Navy, for temporary service, to rank from the 5th day of October 1943.

IN THE COAST GUARD

Commodore Merlin O'Neill to be Assistant Commandant, with the rank of rear admiral, in the United States Coast Guard, for a period of 4 years, to fill an existing vacancy.

HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 29, 1946

The House met at 12 o'clock noon. The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O God of grace and glory, forgive our feverish ways and lead us in the way everlasting. This day, when doubt bewilders, be Thou our guiding assurance that we may know that truth is wisdom and can always be found in personal honor; let this virtue interpret our endowment as the obligation of our very lives. He who bears himself well and faithfully in its pursuit retains a sense of personal respect. Dear Lord, call us to our commanding tasks and refresh us with the well-springs of Thy spirit which is so essential to our worthy conduct. Watch over us, make us courteous in our conversations, thoughtful toward others, and ever conscious of Thy divine presence. Fill us with those aspirations that make character chivalrous, brave, and true. Through Jesus our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Agriculture.
2. Department of Commerce.
3. Department of the Navy.

4. Department of War.
5. Federal Works Agency.
6. National Archives.
7. National Housing Agency.
8. Office of Price Administration.
9. Petroleum Administration for War.
10. United States Railroad Retirement Board.

ANNOUNCEMENT

The SPEAKER. The Chair prefers not to recognize Members to proceed for 1 minute today with the exception of those who desire to speak on the death of an ex-Member, and three Members for 1 minute on the life and character of ex-President McKinley.

SWEARING IN OF A MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House:

JANUARY 29, 1946.

The Honorable The SPEAKER,
House of Representatives.

SIR: From the secretary of state of the State of Oregon, I have received the certificate of election of Hon. WALTER NORELAD as a Representative-elect to the Seventy-ninth Congress from the First Congressional District to fill the vacancy caused by the death of Hon. James W. Mott.

Very truly yours,

SOUTH TRIMBLE,

Clerk of the House of Representatives.

Mr. NORELAD appeared before the bar of the House and took the oath of office.

WILLIAM MCKINLEY

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS. Mr. Speaker, today is the birthday of William McKinley. As we all know, Mr. McKinley was the Governor of Ohio and also the President of the United States. While his services in these two capacities are conspicuous, the greatest service Mr. McKinley rendered for his country was on the battlefields of the Civil War and as a Member of Congress in this Chamber. His efforts were such that they marked him as one of America's greatest Congressmen. He is recognized as such impartially and without partisanship.

Each recurring year the Ohio Members bring this matter to the attention of the House and the country in a spirit of reverence. Today we again ask you to join with us in honoring ourselves by honoring a great citizen. You will notice the red carnations that have been distributed. This flower was his favorite flower, and it is the State flower of Ohio.

I beg your indulgence to give attention to two of our distinguished Members who will address you, my colleagues the gentlemen from Ohio [Mr. JONES and Mr. RAMEY].

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. RAMEY].

Mr. RAMEY. Mr. Speaker, the last words of William McKinley were, "Not my will but Thine be done." He lived it. He listened to the still, small voice.

A group went to another great President one time and said, "The Lord is on our side." The President answered, "I

am not concerned about that. The question is, are we on the Lord's side?"

In these trying days the only clear thinking that we may do, that will cause us to think without confusion, clearly, is to do as William McKinley did, act upon divine guidance at all times. Only do we think as we think with God.

Mr. Speaker, to different persons words have different meanings. The word "great" is an example. To some a certain person is greatest of all, while to others he is a demagog. One visits an inauguration and sees in the man all the regal look of a king—to some he is even God's anointed. Another sees in him self-will in action. All of us are inclined to call the man great whom we like; yet, at the same time, we are unable to see the good qualities in anyone whom we do not like.

Today the test of a true statesman is to have an open mind—to give up his preconceived prejudices. Then, in the words of Henry Van Dyke, and then only do we think without confusion clearly. In every walk of life there is a distressingly large number of individuals who will go to great lengths to avoid mental exercise. Even greater numbers are hindered by their emotions or self-will, and even self-pity, from thinking unselfishly.

I have been seeking to find the acid test for true greatness. For a score of years, scholars have endeavored to define it. Not long since, a group of eminent scholars and philosophers of the world, including Dr. H. G. Wells, sought to name the seven greatest persons in the world. A former Member of this distinguished body, Bruce Barton, discussed it at length in one of his books. It is not of so much interest as to the names of the persons chosen as it is that a definition of greatness can be wrought from the list of names. The real test is this: That life is the greatest which costs the world the least and gives to the world the most in return.

One thousand names of men and women, great and near great, are on a list and all eliminated but seven. Remember, now, they were chosen not because of religious standing or faith, but by using this test given. Here are the names and the reasons:

First on the list was the man Jesus. He was chosen, not because He was the most religious man, but by reason of the fact that He cost the world nothing and gave to the world everything, even what was mortal in His own life, for the redemption of the world.

Second on the list was an old man, who could have been the ruler of his subdivisions had he chosen to be a hand-shaker or a honey fugler and sought to be popular. But he dared to speak the truth—yes, the truth—in order that men may be free. Yes; he, too, cost the world nothing, but gave his all—his life—that men might know the truth. I refer to Socrates, of course, who was compelled to drink the poisonous hemlock.

Third on the list was the only American in the group. A man born as lowly as the Son of God. His first meal was a little goose grease off the end of a string